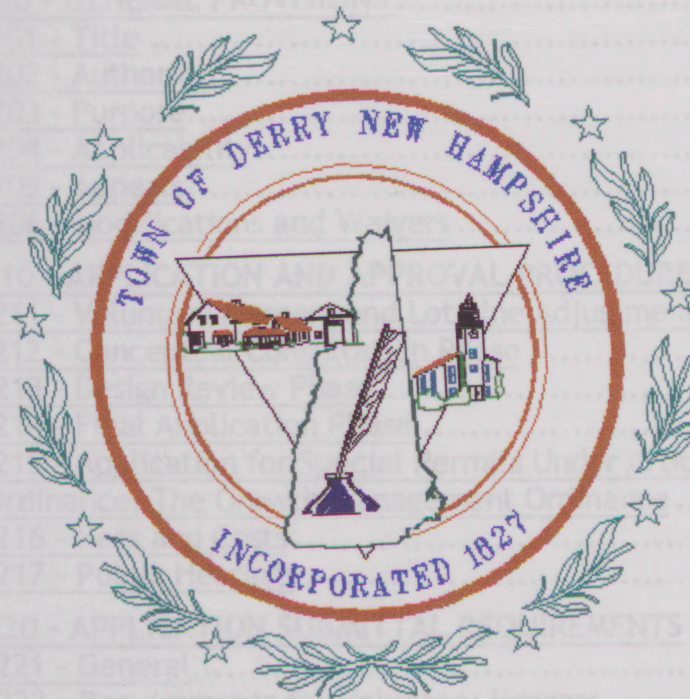


Town of Derry New Hampshire



Land Development Control Regulations

SEPTEMBER 5, 2001

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Town of Derry New Hampshire



Land Development Control Regulations

SEPTEMBER 5, 2001

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Part I - General Provisions

ARTICLE 100 - LAND CONTROL DEVELOPMENT REGULATIONS

Section 101 - Interpretation, Conflict, and Severability

- 101.1 These Land Development Control Regulations shall be construed broadly to promote the purposes for which they are adopted.
- 101.2 Whenever these regulations differ from those prescribed by any statute, ordinance or other regulation, that provision which imposes the greater restriction or the higher standard shall prevail.
- 101.3 If any section, clause, provision, portion or phrase of these regulations shall, for any reason, be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

Section 102 - Word usage and Definitions

- 102.1 "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- 102.2 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- 102.3 The words "shall" and "will" are mandatory: the word "may" is permissive.
- 102.4 For any term not defined in these regulations, the definition, if any, given in the Town of Derry Zoning Ordinance, or applicable State Statutes shall prevail. Terms and Words not so specifically defined shall have their common meaning.

102.5 Term Definitions

ABUTTER - any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For the purposes of receipt of notification in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

APPLICANT - means the owner and the person or persons duly authorized in writing by the Owner(s) to act on behalf of the Owner(s) in all matters concerning these regulations.

APPROVED STREET - is a street, highway or private way laid out on a plat approved by the Planning Board and filed in the Registry of Deeds of Rockingham County and/or any road or highway having the status of a Class I - V Public Highway as described in RSA 229:5.

BOARD - means the Planning Board of the Town of Derry, established under the provisions of RSA 673.

CERTIFIED SOIL SCIENTIST - A person qualified in soil classification and mapping who is certified and licensed under applicable laws of the State of New Hampshire.

CERTIFIED WETLAND SCIENTIST - A person qualified to identify and delineate jurisdictional wetlands who is certified and licensed under applicable laws of the State of New Hampshire.

COMMUNITY WASTEWATER SYSTEM - a non-Municipal Wastewater System that serves two or more properties under a separate or common ownership.

COMMUNITY WATER SYSTEM - a non-Municipal Water System that serves two or more properties under a separate or common ownership.

CUL-DE-SAC - a street with only one outlet and having an appropriate vehicular turnaround for the safe and convenient reversal of traffic movement.

EASEMENT - authorization by a property owner for another to use that owner's property for a specified purpose.

ENGINEER - means a Professional Engineer licensed to practice in the State of New Hampshire.

EXCESS DRAINAGE - A condition where, after development of all or part of any subdivision, or after the ultimate build out of land having special permits pursuant to Section 1305 (B)(1) of the Zoning Ordinance, inadequate provision has been made for the drainage created by or resulting from such development so as to create the reasonable likelihood of an adverse impact on land of another without the easement or license to do so.

FRONTAGE - means that portion of a lot bordering on an approved street as defined herein.

GEOGRAPHIC INFORMATION SYSTEM (GIS) - means the Town of Derry's computer based tool utilized for the mapping of land, roads, geometrical features and manmade improvements within the Town.

GOVERNMENTAL LAND USES - means those uses of land prescribed under RSA 674:54.

LAND; REAL ESTATE - The words "land", "lands" or "real estate" shall include lands, tenements, and all rights thereto and interests therein.

LOT - means either an existing parcel of land or a parcel of land to be created by an act of subdivision, merger or consolidation located within the Town of Derry. A lot is a parcel of land occupied, or to be occupied, by only one main building and the accessory building or uses customarily incidental to it, except as may otherwise be provided in the Derry Zoning Ordinance. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required in the Zoning Ordinance.

MAJOR SUBDIVISION - any subdivision not meeting the definition of minor subdivision contained within these regulations.

MINOR SUBDIVISION - a subdivision which creates not more than three (3) lots for building development purposes, or which does not involve the creation of lots for building development purposes, and which does not involve the construction of any new street. Lot line adjustment and voluntary lot consolidation proposals shall generally be treated as a minor subdivision proposal.

MUNICIPAL WASTEWATER SYSTEM - a wastewater collection, treatment, and disposal system that is owned and operated by a municipal or regional government; and or those systems which are public utilities pursuant to RSA 362, et seq., and subject to the regulation of the Public Utilities Commission regarding the provision of public utility services.

MUNICIPAL WATER SUPPLY - a water supply system that is owned and operated by a municipal or regional government; and or those systems which are public utilities pursuant to RSA 362, et seq., and subject to the regulation of the Public Utilities Commission regarding the provision of public utilities services.

OWNER - means the person or persons who hold title to the land being subdivided or upon which a Site Plan is being proposed. Such party shall be as listed in the Rockingham County Registry of Deeds. Where ownership is as tenants in common, all of the said tenants in common shall be required to sign any document required to be signed by the owner. Where property is owned by joint tenants with rights of survivorship, all of the joint tenants shall sign any such document.

PERFORMANCE GUARANTEE - is a security that may be accepted in lieu of a requirement that certain improvements be made before the Planning Board approves a Final Subdivision or Site Plan, or as a condition of such approval.

PLANNING DIRECTOR - means a duly designated planner of the Town of Derry or, if there is none, the person designated by the Town Administrator.

PLAT - means the final map, drawing or chart, prepared by a Licensed Professional Engineer or by a Licensed Land Surveyor in accordance with RSA 674:37, on which the applicant's plan of subdivision or site usage is presented to the Derry Planning Board for approval and which, if approved, will be submitted in the form it has been approved to the Registry of Deeds for recording. No plat shall be recorded unless and until it shall have been approved by the Planning Board and its approval has been endorsed thereon, except as provided in RSA 674:18, II, II-9 and III and RSA 676:4, I (c).

SITE PLAN - means the drawing meeting the requirements of RSA 674:37 on which the applicant's plan of development for nonresidential or multi-family development is presented to the Board for approval and which, if approved, will be submitted to the Rockingham County Register of Deeds for recording.

SLOPE - The average steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey soil classification (where B=0-8%; C>8% and <15%; D>15% and <25%; and E ≥25%).

SOIL TYPE - means a specific soil mapping unit as shown on a high intensity soil survey map prepared by a Certified Soil Scientist in accordance with standards contained in Special Publication No. 1 published by the Society of Soil Scientists of Northern New England.

STREET, PUBLIC - A public right-of-way which the Town or State has the duty to maintain regularly or a right-of-way shown on a subdivision plat approved by the Planning Board, recorded with the County Registry of Deeds, Constructed to Town Specifications, and duly accepted by the municipality, which provides the principal means of access to abutting property.

SUBDIVIDER - See APPLICANT.

SUBDIVISION - means the division of the lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes the re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.

TOWN ENGINEER - means a duly designated engineer of the Town of Derry or, if there is none, the person designated by the Town Administrator, including any independent consultant retained by the Town Engineer or by the Planning Board in connection with any plan or approval and/or for the inspection of any improvements pursuant to such approvals.

VOLUNTARY (LOT) MERGER - means the joining or merger of two or more contiguous pre-existing approved or subdivided lots or parcels in common ownership under the provisions of RSA 674:39-a.

WETLANDS - are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. They include, but are not limited to: swamps, bogs, marshes, ponds, and lakes, as well as soils that are defined as poorly or very poorly drained.

Section 103 - Amendment

The Planning Board may amend these regulations from time to time in accordance with the provisions of RSA 675:6.

Section 104 - Effective Date

These regulations shall take effect upon their adoption by the Planning Board.

Section 105 - Review of Developments of Regional Impact

105.1 Purpose. The purpose of this section is to:

- a. Provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of the Town of Derry.
- b. Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the Town of Derry.
- c. Encourage the Town of Derry to consider the interests of other potentially affected municipalities.
- d. Fulfill the statutory requirements of RSA 36:54 through 36:58.

105.2 Definition. Any development which the Planning Board determines could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

- a. Relative size or number of dwelling units as compared with existing stock.
- b. Proximity to the borders of a neighboring community.
- c. Transportation networks.
- d. Anticipated emissions such as light, noise, smoke, odors, or particles.
- e. Proximity to aquifers or surface waters which transcend municipal boundaries.

- f. Shared facilities such as schools and solid waste disposal facilities.

105.3 Review Required:

The Derry Planning Board, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

105.4 Procedure:

- a. Upon determination that a proposed development has a potential regional impact, the Derry Planning Board shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.
- b. Within 72 hours of reaching a decision regarding a development of regional impact, the Derry Planning Board shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made.
- c. At least 14 days prior to public hearing, the Derry Planning Board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development.

105.5 Applicability:

The provisions of this section shall supersede any contrary or inconsistent provisions of local land use regulations enacted under RSA 155-E and RSA 674.

Part II - Subdivision Regulations

ARTICLE 200 - GENERAL PROVISIONS

Section 201 - Title

Part II of these Land Development Control Regulations shall be known as the Subdivision Regulations of the Town of Derry, New Hampshire.

Section 202 - Authority

These regulations have been prepared in accordance with the authority vested in the Town of Derry Planning Board by vote of Town Meeting on March 08, 1960, and as recorded in the Rockingham County Registry of Deeds Book 1542, Page 815, and in accordance with RSA 674:35, as amended.

Section 203 - Purpose

203.1 Uphold the purposes set forth in RSA 674:36, including to:

- a. Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- b. Provide for the harmonious development of the town and its environs;
- c. Require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the town;
- d. Provide for open spaces of adequate proportions;

- e. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- f. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the Planning Board for approval shall show a park or parks suitably located for playground or other recreational purposes;
- g. Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses;
- h. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
- i. Prescribe minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities; and
- j. Include provisions, which will tend to create conditions favorable to health, safety, convenience, or prosperity.

203.2 To assist the Planning Board in carrying out the objectives of the Zoning Ordinance, including the provisions of Article 1300 of the Zoning Ordinance, the Growth Management Ordinance.

203.3 To assist the Planning Board in carrying out the objectives of the Town's Master Plan.

203.4 To provide for the timely installation of off-site and on-site improvements necessitated by the development and for the payment of such improvement costs.

Section 204 - Applicability

204.1 These regulations shall apply to all subdivision of land, as defined in Section 102.5, located within the boundaries of the Town of Derry.

204.2 No land shall be subdivided, nor any parcel of land proposed in the subdivision be sold, leased, transferred or developed until:

- a. The subdivider has obtained final approval of the subdivision plan; and
- b. The final subdivision plat has been recorded at the Rockingham County Registry of Deeds.

204.3 Notwithstanding these regulations, any person may, without Planning Board approval, record a plan which depicts existing public or private streets already established, pursuant to RSA 676:18 *et seq.*, provided however, that the person provide a copy of said plan to the Planning Board prior to recording.

Section 205 - Appeals

205.1 Any person aggrieved by any decision of the Planning Board upon these regulations may appeal to the Superior Court as provided in RSA 677:15.

205.2 Any person aggrieved by a decision of the Planning Board concerning subdivision approval or disapproval may appeal to the Zoning Board of Adjustment if the decision was based upon the terms of the zoning ordinance, as provided in RSA 676:5, III.

Section 206 - Modifications and Waivers

206.1 Where the Planning Board finds that unnecessary hardship may result from strict compliance with these regulations with respect to a particular tract of land, the Board may modify or waive these regulations so that substantial justice may be done and the public interest secured, provided that:

- a. The modification or waiver shall not have the effect of nullifying the intent and purpose of these regulations;
- b. The Planning Board requires such conditions as will, in its judgment, secure the objectives of the regulations which are modified or waived;
- c. The modification or waiver is requested in writing;
- d. The modification or waiver is based on evidence presented to the Board by the applicant;
- e. The Planning Board formally votes on such modification or waiver; and
- f. The modification or waiver is noted on the Final approved plan.

206.2 The requirements of Section 238 of these regulations pertaining to "Special Flood Hazard Areas" shall not be waived.

ARTICLE 210 - APPLICATION AND APPROVAL PROCEDURES

Section 211 - Voluntary Mergers and Lot Line Adjustments

- 211.1 Upon application by the owner, the Planning Board shall approve the merger of two or more contiguous preexisting approved or subdivided lots or parcels for the purpose of municipal regulation and taxation, unless the merger would create a violation of current regulations. No public hearing or notice shall be required. A notice of the merger shall be recorded at the Rockingham County Registry of Deeds and shall be filed with or mailed to the Town Assessor.
- 211.2 The Planning Board may approve minor lot line adjustments or boundary agreements which do not create buildable lots. Notice as required by RSA 674:4, I (d) shall be given to all abutters and holders of conservation, preservation or agricultural preservation restrictions prior to approval and may be heard on the application upon request of any abutter or holder of conservation, preservation or agricultural preservation restrictions.

Section 212 - Conceptual Consultation Phase

- 212.1 Prior to formal application for Subdivision approval, an applicant, or his authorized agent, may request an informal consultation under RSA 676:4 II (a) with the Board to discuss the proposal and preliminary concepts associated with the proposed development, and to provide the Board an opportunity to provide its input in order to assure conformance with current regulations.
- 212.2 This consultation shall neither bind the applicant nor the Board.
- 212.3 This consultation shall be limited to conceptual discussions of the proposed development and in general terms of the desirability of the type of development and its conformance to the Master Plan.
- 212.4 This consultation shall occur only at a regular or special meeting of the Board.
- 212.5 This consultation shall not require formal public notification, unless in the opinion of the Planning Director the anticipated topics of discussion contain specific details of a future subdivision proposal generally reserved for the Design Review Phase or final application phase, in which case the consultation must be held under the provisions of Section 213 of these regulations - Design Review Phase.

- 212.6 Plan review under this Section shall not constitute formal acceptance by the Board under RSA 676:4, I (c); nor shall any plans submitted for conceptual consultation be deemed to be a completed application under that section.

Section 213 - Design Review Phase

- 213.1 Design Review Phase is not required, but is strongly recommended, particularly in cases of developments of significant size or complexity.
- 213.2 Design Review Phase shall be used for design review under RSA 676:4, II (b). In the Design Review, the Board may engage in non-binding discussion with the applicant which may extend beyond conceptual and general terms.
- 213.3 Design Review Phase shall not constitute a completed application under these regulations or under RSA 676:4, I (c); nor shall any plan submitted for design review be deemed to be a completed application under this section.
- 213.4 Design Review Phase and review shall not constitute formal acceptance by the Board under RSA 676:4, I (c).
- 213.5 Design Review Phase review may occur only after notice and publication as prescribed under RSA 676:4, I (d).
- 213.6 Eight (8) copies of the Design Review Phase Submittal as described in Section 225 of these regulations shall be filed with the Board at the time of Design Review Phase Application. The Board will then study the preliminary layout and proposed streets in connection with the topography of the area, the existing requirements of the community, and the best use of the land to be subdivided and that of the adjoining areas.
- 213.7 The Board may hold discussions with the applicant or his agents and may hear and confer with other parties whose interests may be affected by the proposed layout. After such discussions, the Board shall communicate to the developer the specific changes, if any, which it may require as prerequisite to the subsequent approval of the final subdivision plat.

Section 214 - Final Application Phase

- 214.1 At the initial Public Hearing of a Final Subdivision Application, the Board shall determine whether or not the submitted application is complete according to the regulations of the Board as set out in Section 226 of these regulations and pursuant to RSA 676:4, I (c). Such determination shall be made by vote of the Board within 30 days of delivery of the application. If the Board determines that the application is not complete, the Board shall notify the applicant in writing of the determination in accordance with RSA 676:3, and shall state in that notice the information, procedure or other requirement necessary for the application to be complete.
- 214.2 If the Board determines that a final Subdivision Application is complete according to the regulations of the Board, the Board shall vote to accept the application for jurisdiction. The Board shall then begin formal consideration of the application.
- 214.3 Before the Final Application is approved or disapproved, the Board shall hold a public hearing on the application.
- 214.4 The Board shall vote to approve, approve subject to conditions, or disapprove the application within 65 days of the vote that the application is complete unless:
- a. upon application by the Planning Board, the Town Council granted an extension not to exceed an additional 90 days;
or
 - b. the applicant waives this requirement in writing and consents to a mutually agreeable extension of time.
- 214.5 If the Planning Board fails to act within the time specified by these regulations, RSA 676:4, or any previously agreed extension, then the applicant may apply to the Town Council for relief as described in RSA 676:4, I (c).
- 214.6 The Town Council is hereby specified as the municipal Board which shall issue on behalf of the Board, a certificate of failure on the part of the Planning Board to take action on approval or disapproval of a plat submitted to it, as provided in RSA 676:4, I (C) (1).

Section 215 - Application for Special Permits Under Article 1300 of the Zoning Ordinance; The Growth Management Ordinance

215.1 Unless exempted under the provisions of section 1305 (A) (2) of the Zoning Ordinance every subdivision applicant must complete an application for special permit under the Growth Management Ordinance (GMO) to be submitted to the Planning Director at the same time as, and as a part of, the final application. No final application shall be deemed to be complete under these regulations unless and until the application for special permit has been submitted and a report thereon, as required by Section 1305 (B) (1) of the Zoning Ordinance, has to the Planning Board.

215.2 If the proposed subdivision does not create lots which are controlled by the GMO, then no further action is needed under this section.

215.3 The application for subdivision, in addition to all other requirements set out in these regulations, must include the following;

- a. A completed Special Permit application, including a calculation of development points based on the present Capital Improvements Plan;
- b. A map showing the location of the proposed subdivision along with the location of abutting land holdings of the applicant or by entities owned or controlled by the applicant; and the extent of land proposed for development presently or in the future; and
- c. Other information required by the Planning Director in order to appropriately evaluate the application.

215.4 When the Planning Director receives a Special Permit application under the Growth Management Ordinance (GMO), the Planning Director shall review the application.

- a. The Planning Director may request reports from appropriate town or school officials or agencies.
- b. Within 20 days of submission of a Special Permit application, the Planning Director shall notify the applicant and the Planning Board of his findings on the application, including the how many development points the proposal is eligible to claim.
- c. The Planning Board shall review the Special Permit application in conjunction with its subdivision review.

- d. The Planning Board's decision on the approval or disapproval of the subdivision shall set out the following: the total number of Special Permits for which the development is eligible; the number and identity of lots or units which are allocated to the Basic Development Right; and the number and identity of lots or units which constitute the Additional Development Right, and the years in which these Additional Development Rights are exercisable based on the current long term Capital Improvement Plan as adopted by the Planning Board pursuant to Section 1307 of the Zoning Ordinance.

Section 216 - Fees and Costs

216.1 The following fees shall be paid at the time of application.

- a. Application Fee
\$20/lot (including voluntary lot mergers)
- b. Notice Fee
The current cost of Certified mail postage/abutter or other person receiving notice.
- c. Plan Review Fee
\$40/lot (minimum \$300.00)

216.2 Plan review fees shall not apply to voluntary mergers or lot line adjustments.

Section 217 - Public Hearings

217.1 Whenever a public hearing is required by these regulations or by applicable statutes, the following procedures shall be used.

217.2 The applicant shall be present at the public hearing. If the applicant is not the owner of the parcel under review, the applicant shall provide written authorization, containing the notarized signature of the owner(s), authorizing the applicant to act as an agent, for and on behalf of the owner(s), at such public hearings, and authorizing the agent to make all decisions and commitments with respect to the Board's review of the proposal which the owner(s) could make if personally present.

217.3 Notice of the application shall be sent by certified mail as least 10 days prior to the public hearing to the following persons:

- a. Abutters as defined in Section 102 of these regulations;
- b. All property owners within 200 feet of the subject property as delineated by the Town's GIS system;

- c. The applicant and current property owner;
- d. Holders of land conservation, preservation or agricultural preservation restriction; and
- e. Every engineer, architect, land surveyor, soil scientist, or wetlands scientist whose professional seal appears on the plat submitted to the Board.

217.4 Notice to the general public shall be given by posting in two public places and by publishing in a newspaper of general circulation at least 10 days prior to the public hearing.

217.5 All notices shall include a general description of the proposal, the applicant's name, the location of the proposal, the date, time and place of the public hearing, and the proposed actions to be taken by the Board.

217.6 Additional notice is not required for additional hearings on a proposal if the date, time and place of the additional hearing was made known at the prior hearing and duly recorded in the official minutes of the same.

217.7 At the Public hearing, any applicant, abutter, holder of conservation, preservation or agricultural preservation restriction, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board.

ARTICLE 220 - APPLICATION SUBMITTAL REQUIREMENTS

Section 221 - General

- 221.1 Prior to formal application for any subdivision approval, the applicant is encouraged to meet with the Planning Director to review the proposal.
- 221.2 Any application where abutter notification is required shall be filed at the Planning Board office not less than 15 days before any regularly scheduled meeting.
- 221.3 The Planning Board office shall provide the applicant with a receipt stating the date, time of the application and all fees received, if so requested by the applicant or his/her agent at the time of application delivery.
- 221.4 An application which has been submitted to the Planning Board office for submission to the Board, shall not be supplemented, revised nor modified after notice of public hearing has been given, except upon vote of the Planning Board at said hearing.
- 221.5 An application may be withdrawn prior to hearing, however, all application fees shall be forfeited and the applicant shall remain liable for all consultants' fees incurred prior to withdrawal of the application.
- 221.6 All applications will be scheduled for action by the Board in the order in which they are received.
- 221.7 By filing an application with the Board, the applicant, including all the applicant's agents, consultants and representatives, consents to the review of the application by independent consultants retained by Board, at the applicant's expense, for the purpose of:
- a. Confirming that the application conforms with applicable state and local requirements; and
 - b. Recommending to the Board any additional studies or investigations and/or information from land surveyors, engineers, architects, attorneys, soil scientists, wetland scientists, or others with expertise in a particular field, which could facilitate the Board's actions on the application.

221.8 All plans submitted to the Board for review shall be prepared by a Professional Engineer or Land Surveyor, as applicable, who is licensed to practice in the State of New Hampshire.

221.9 Failure to comply with these application procedures or failure to comply with all applicable state and federal laws, ordinances and regulations shall be grounds for disapproval or rejection of the application, as applicable.

Section 222 - Requirements for Voluntary Mergers

222.1 Any owner of two or more contiguous preexisting approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the Planning Board.

222.2 Except where such merger would create a violation of then current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required.

222.3 No new survey plat shall need to be submitted to the Planning Board with an application for a voluntary merger, nor need to be recorded, but a notice of merger, sufficient to identify the relevant parcels and endorsed by the Planning Board, shall be filed for recording in the registry of deeds, and a copy mailed to the Derry Assessing Department.

222.4 No parcel or parcels merged under these provisions shall thereafter be separately transferred without subdivision approval.

Section 223 - Requirements for Expedited Subdivision Review of Minor Subdivisions and Lot Line Adjustments

223.1 Minor subdivisions, as defined in Section 102 of these regulations; and lot line adjustment proposals shall be eligible for expedited review by the Planning Board under the Provisions of RSA 676:4, III.

223.2 Upon receipt of an application for a minor subdivision or lot line adjustment, the Planning Board shall cause notice of such application to be given pursuant to RSA 676:4, I (d); and place the application on a future agenda of the Board. A public hearing, with notice as provided for in RSA 676:4, I (d) shall be held only if requested by the applicant, abutters, or holders of conservation, preservation, or agricultural preservation restrictions any time prior to approval or disapproval of the application, or if the Planning Board determines to hold a hearing.

223.3 In order to be considered by the Planning Board, the applicant shall submit a completed minor subdivision review or lot line adjustment application, a completed checklist, and all required fees, together with appropriate plans meeting the requirements of Section 223.4.

223.4 The final application shall be accompanied by eight (8) copies of the proposed subdivision and/or lot line adjustment plans, which shall include information outlined under Sections 226.2.1 through 226.2.13 of these regulations. All plans submitted shall conform with the requirements of Section 226.3 and include an electronic copy of the final plat conforming with Section 226.3 of these regulations.

Section 224 - Requirements for Conceptual Consultation

224.1 For Conceptual Consultation, an applicant should provide information sufficient for the Planning Board to give meaningful comments.

224.2 At a minimum, the applicant should provide:

- a. a preliminary drawing or sketch of the proposal which shows approximate number of lots;
- b. the general location of the lots;
- c. the general layout of existing and proposed streets;
- d. the proposed method for water supply and sanitary sewage disposal; and
- e. the extent and location of off-site improvements, if any.

224.3 Applicant should provide information on how the subdivision will comply with the terms of the Growth Management Ordinance, and a general schedule for development of the subdivision under the GMO.

224.4 The conceptual plan should include a map showing the location of abutting land holdings of the applicant or of entities owned or controlled by the applicant and the extent of land proposed for development presently or in the future in accordance with Section 1305 (B) (1) of the Zoning Ordinance.

Section 225 - Requirements for Design Review Phase Submittals

225.1 Presentation requirements:

225.1.1 Scale of all drawings shall be 100 feet to the inch or less for all Design Review Phase submittals, and shall be limited to a sheet size of 22 inches by 34 inches with a one-inch margin on three sides for binding.

- 225.1.2 Lettering size shall be not less than 1/8 (0.12) inch.
- 225.1.3 If more than one sheet is necessary to show the entire subdivision at the required scale, an index plan at a scale adequate to show the entire subdivision tract on one plan sheet shall be provided and shall be drafted so as to create a graphical index of sheets.
- 225.1.4 All match lines shall be clearly shown and labeled.
- 225.2 The Design Review Application shall be accompanied by eight (8) copies of the proposed subdivision plan which shall include the following information:
- 225.2.1 Proposed subdivision name, north arrow, scale, and date of preparation.
- 225.2.2 Boundary information prepared from existing deeds and field information. Distances may be shown to the nearest foot and bearings may be shown to the nearest one-minute.
- 225.2.3 Names, addresses of the: Owner(s) of record; Applicant; and Engineer and/or Land Surveyor.
- 225.2.4 Locus map at a scale of 2,000 feet to the inch or less.
- 225.2.5 Abutting lot lines, streets, alleys, easements, parks, public open spaces, zoning districts. All shall be clearly labeled and Tax Map numbers indicated where applicable. Name and addresses of all abutters shall be included and shall also be submitted on a separate sheet of paper.
- 225.2.6 Proposed location of all lots and/or parcels; lot number or parcel designation; scaled dimensions; and area of each proposed lot in square feet and in acres.
- 225.2.7 Proposed location, name, width and dimensions of all proposed streets. Dimensions shall include lengths of tangents, and radius and length of all curves. Where the Design Review Phase layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the part not submitted will be considered in light of adjustments and connections with the street system of the part not submitted.
- 225.2.8 Location and dimensions of all easements, applicable building setbacks and other restrictions imposed by the Zoning Ordinance.

- 225.2.9 Existing topography showing surface contours at an interval of two feet or less, watercourses, ponds, standing water, wetlands, rock outcrops and ledges, tree lines, utility poles, buildings, pavement and gravel areas, and other physical features as may be found. Topography shall extend a minimum of 50 feet beyond the subdivision boundary.
- 225.2.10 Existing and proposed water mains, sanitary sewers, storm sewers and culverts including size, material and direction of flow. If municipal water and sewer systems will not be utilized, alternate means shall be clearly stated and shown.
- 225.2.11 Preliminary designs of any bridges or other structures which may be required.
- 225.2.12 Preliminary Drainage Report and Calculations.
- 225.2.13 Drainage Plan showing the following: the direction of runoff, both existing and proposed, through the use of arrows; the existing and proposed methods of handling storm water runoff; and the location, elevation and size of all catch basins, storm sewers, culverts, drainage ditches, swales and retention/detention basins; and information required in Section 226.1.23, et seq.
- 225.2.14 High intensity soil survey mapping, showing soil types and locations for subdivisions which will not utilize municipal sewers.
- 225.2.15 Wetlands mapping depicting and defining all areas of jurisdictional wetland which exist on or within 75-feet of the subject parcel.
- 225.3 The applicant will submit a completed Design Review Application; a completed Design Review Application Checklist; and all required fees.

Section 226 - Requirements for Final Application Phase Submittals

226.1 A complete Final Application for the purposes of these regulations and for the purposes of RSA 676:4, I (c) shall be accompanied by eight (8) copies of the proposed plans, which shall include the following information:

- 226.1.1 Proposed subdivision name or identifying title, name and address of the owner of record and subdivider, and the name of the consultant(s), date, scale, north point, lot numbers, locus map at a scale of 2,000 feet to the inch or less, revision block, surveyor's certifications and plan notes.

- 226.1.2 The area of the parcel, street frontage and zoning requirements for minimum lot size and frontage.
- 226.1.3 Zoning classification(s) of the parcel and the location of the zoning districts.
- 226.1.4 Sufficient data to determine readily the location, bearing and length of all street lines, lot lines, boundary lines and to be able to reproduce such lines upon the ground. All dimensions shall be shown to the hundredth of a foot and bearings to the nearest one second. The error of closure shall not exceed 1 in 10,000. The Final Plat shall show the boundaries of the property, the location and description of all existing and proposed monumentation, a benchmark referencing U.S.G.S. Datum and shall be prepared and shown on a plan(s) and shall be sealed by a Licensed Land Surveyor.
- 226.1.5 Location and description of existing and proposed boundary monumentation necessary to fulfill the requirements of Section 231.7 of these regulations.
- 226.1.6 Street lines, building setback lines, pedestrian ways, lot lines, reservations, easements and areas to be dedicated to public use and areas, the title to which are reserved by the applicant/owner.
- 226.1.7 All stipulations and restrictions intended to remain in perpetuity shall be shown on the Final Plat.
- 226.1.8 A signature and title box with a place for signature and date of approval by the Board, shall be placed on each recordable sheet in the lower right hand corner of the sheet. A note shall appear on the project plans indicating:
- The total number of sheets in the plan set; which sheets will be recorded upon approval; and that the full set of project plans is on file at the Derry Planning Department.
- 226.1.9 Tax map and lot numbers of all abutting properties, together with abutting landowner names and addresses, shall be shown on the Final Plat.

- 226.1.10 The applicant shall obtain a house number for each lot in the subdivision from the Chief of the applicable Fire Department. Should a property be subdivided which has already been assigned a house number, appropriate modification may be required by the Fire Chief with jurisdiction.
- 226.1.11 Two foot contour interval topographical survey data shall be prepared, shown on a plan(s), and shall be certified by a Licensed Land Surveyor. All topographical data shown shall be referenced to USGS Datum (NGVD 1929).
- 226.1.12 High Intensity Soil Survey Mapping (showing soil types and locations) shall be prepared, shown on a plan(s), and shall be sealed by a Certified Soil Scientist for subdivisions which will not utilize public sewers.
- 226.1.13 Wetlands mapping shall be prepared, shown on a plan(s), and shall be sealed by a Certified Wetland Scientist.
- 226.1.14 Drainage calculations shall be prepared and sealed by a Licensed Professional Engineer; the design of proposed drainage improvements shall be shown on a plan(s).
- 226.1.15 Subdivision Plans shall include plans for controlling erosion and sedimentation. Acceptable methods for erosion and sediment control measures include those as outlined in "Erosion And Sediment Control Design Handbook for Development Areas of New Hampshire" as prepared by USDA SCS.
- 226.1.16 Sanitary sewer design calculations shall be prepared, when applicable, sealed by a Licensed Professional Engineer; and proposed sanitary sewer improvements shall be shown on the plan(s).
- 226.1.17 Water distribution design calculations shall be prepared and sealed by a Licensed Professional Engineer; and proposed water distribution system improvements shall be shown on the plan(s).
- 226.1.18 Traffic impact statements (TIS), when required, shall be prepared and sealed by a Licensed Professional Engineer. The scope of a TIS shall be as directed by the Planning Director in conjunction with the Town Engineer.
- 226.1.19 Drawings required with the Final Plat shall be prepared, and sealed by a Licensed Professional Engineer and shall include:

226.1.19.1 Profiles of all proposed streets, water mains, sewers and open waterways with a horizontal scale of 1 inch to 50 feet, and vertical scale of 1 inch to 5 feet. All elevations shall refer to an established benchmark;

226.1.19.2 Drainage, sanitary sewer and water distribution plans subject to the following requirements:

- a. Outlines of streets, lots, easements, etc. as shown on the final plan with distances to the nearest foot;
- b. Location of all manholes, catch basins, hydrants, structures, downstream drainage facilities, as required under Section 226.1.23 et seq., and utility poles or underground lines and pipes;
- c. Sizes and type or class of all pipe, including storm sewer, sanitary sewer, water and gas mains and service stubs;
- d. Location, type and detailing design of special structures or bridges; and
- e. Proposed tax map and lot number for each lot.

226.1.20 Design plans and construction details, as applicable, for providing fire protection systems complying with the requirements of the Growth Management Ordinance.

226.1.21 Copies of all approved state and federal project permits required under the subdivision proposal in question. All permit numbers shall be noted on the final subdivision plat.

226.1.22 A block shall be placed on the cover sheet of each subdivision plan for signatures by: the Public Works Director; Code Enforcement Officer; Derry or East Derry Fire Chief; Conservation Commission Chair; and Police Chief, or their designees. Prior to submission of application, applicant shall review the proposed subdivision plan with each party noted above and obtain said signatures.

226.1.23 An application for special permit pursuant to Section 1305 (B) (1) in such form as the Planning Director shall from time to time require, certified as to the accuracy of the data therein by the owner and by the owner's licensed Professional Engineer or Licensed Land Surveyor, as to the nature of the information provided shall require. Such application shall address, at a minimum:

- a. A map showing the location of all abutting land, as defined in Section 1305 (B) (1) of the Zoning Ordinance, showing the ultimate development plan for all of the said abutting land; and
- b. Information sufficient for and in such form as shall be necessary to determine the eligibility for development points as set forth in Section 1305 (C) of the Zoning Ordinance.

226.2 Drawing format - All information shown on drawings shall be left to right reading, with the lettering shown in a plane parallel with the bottom edge of the drawing. If dimensions or other data have to be shown in a plane other than parallel with the bottom of the drawing, the lettering placement in all planes shall be such that the information is readable as the drawing is rotated clockwise. The type letting shown on the drawings shall be vertical uppercase gothic. The size of lettering shall be a minimum of 1/8 (.12) inch high, which shall be used for the majority of information shown on the drawing. Space between adjacent 1/8-inch high characters shall be such as to not exceed a maximum of ten characters to the inch.

226.3 Two copies of the final subdivision plans submitted to the Board for approval and recording at the Registry of Deeds shall be on mylar of a size and quality meeting the requirement of the Register of Deeds. All submitted plans shall also be submitted to the GIS Coordinator in .dxf (Drawing Exchange File) format. AutoCAD drawing (.dwg) format can be used as an alternate format if necessary.

226.3.1 Horizontal and vertical features shall be tied to the Town of Derry Geodetic Control Network (Second order-class II, NAD83/92-NGVD 29). Information pertaining to existing geodetic control points is available from the GIS Coordinator;

226.3.2 All digital Files shall be submitted on a 3.5" floppy disk. 5.25" floppy disks shall not be accepted. Arrangements may be made to send digital data via FTP or e-mail on a case-by-case basis;

- 226.3.3 If submitted via disk the following information shall be labeled on the disk: file name; property owner name; parcel identification number (tax map and lot number); and name of submitting consultant;
- 226.3.4 The submitted digital file shall be rotated to grid (NAD83/92);
- 226.3.5 Horizontal control points shall have an adjusted accuracy of 1:10,000 (Third-order, class I);
- 226.3.6 Vertical control points shall be tied to at least two Town of Derry Geodetic Control stations. The misclosure tolerance between stations shall be a maximum of 0.50';
- 226.3.7 Entities and their DXF layer properties shall correspond to the following:
- Property lines entities shall be created on a "Lotline" layer and shall be green in color.
- Parking lots shall be created on a "Plot" layer and shall be gray in color.
- Driveways shall be created on a "Driveway" layer and shall be gray in color.
- Building outlines shall be created on a "Structure" layer and shall be cyan in color.
- Distance and bearing annotation shall be created on a "Dimtxt" layer and shall be white in color.
- The digital file shall have a layer named "NHSPCS". NAD83 referenced points and the easting, northing and vertical descriptions of the required points shall be annotated on this layer. The NHSPCS layer shall be magenta in color.
- 226.3.8 All lines representing property lines shall consist of continuous line work snapped to endpoints. Stonewall representations, unless created using a line type will not be accepted.

ARTICLE 230 - DESIGN AND CONSTRUCTION STANDARDS

SECTION 231 - LOTS

231.1 General Requirements

- 231.1.1 Each platted lot shall conform to the Zoning Ordinance of the Town of Derry.
- 231.1.2 Whenever possible, side lot lines shall substantially be at right angles or radial to streets.
- 231.1.3 Each lot must front on an approved street.
- 231.1.4 Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, excess drainage, flood, or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property or aggravate the flood hazard, until appropriate measures have been taken by the owner or his agent to lessen the hazards.
- 231.1.5 Each lot shall have its driveway access through its own frontage, and no driveway may be laid out such that its curb cut will be closer than 75 feet to an intersection of public streets.
- 231.1.6 Minimum frontage requirements of the zoning ordinance must be continuous and uninterrupted.

231.2 MINIMUM LOT SIZES - UNSEWERED AREAS

In the absence of municipal sewerage facilities, minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Zoning Ordinance for the district wherein the subdivision is proposed, also meet the lot area requirements specified in Table A, "Minimum Lot Area by Soil Type." The form entitled "Lot Area by Soil Type Calculation", which is included at the end of this Section, shall be used for all lot area determinations referred herein. This requirement is subject to the following qualifications:

- 231.2.1 Where more than one soil type is found on a lot, the methodology of the shocked form entitled "Lot Area by Soil Type Calculation" shall be used to determine the minimum lot area.

231.2.2 Poorly and very poorly drained soils may be used as part of the computed lot area according to the following:

- a. Areas mapped as poorly drained soils may be utilized to fulfill twenty five percent (25%) of the minimum required lot area provided that the non-wetland area is sufficient in extent and configuration to adequately accommodate all required utilities such as sewage disposal and water supply, including primary and reserve leachfield locations;
- b. Areas designated as very poorly drained, fresh or saltwater marsh or alluvial soils shall not be utilized to fulfill minimum lot area; and
- c. Except as set forth in the Derry Zoning Ordinance, no subsurface wastewater disposal system shall be constructed within 75 feet of any area of poorly or very poorly drained soil which also has been designated as a wetland under the items of the Derry Zoning Ordinance.

231.2.3 Minimum lot areas for residential developments with greater than four bedrooms per unit and for commercial and industrial developments shall be determined as follows:

- a. For single family residential use with five or more bedrooms per unit, the minimum lot area shall be proportionately larger than the lot area indicated in Table A as determined by the formula:

$$\text{Required Lot Area (S.F.)} = \left[\frac{\# \text{ of Bedrooms}}{4} \right] [\text{required lot area from Table A}]$$

- b. For multi-family residential, commercial and industrial uses, required lot areas will be determined by the formula:

$$\text{Required Lot Area (S.F.)} = \left[\frac{\text{DesignFlow (GPD)}}{1837(\text{GPD})} \right] \left[\text{Required Lot Area from Table A} \right] + \text{Land Area Required for Protective well Radii, if any}$$

- c. Design flow, measured in gallons of wastewater discharged per day shall be determined from Table 1008-1 "Unit Design Flow Figures" contained in Part ENV-WS 1008.03 of the New Hampshire Code of Administrative Rules (August, 1999 edition).

231.3 DETERMINATION OF SOIL TYPE

231.3.1 High Intensity Soil Survey Mapping utilized by any applicant in demonstrating compliance with the minimum requirements of this Section shall be prepared by a Certified Soil Scientist in accordance with those standards established in a publication entitled High Intensity Soil Maps for New Hampshire (SSSNNE Special Publication No. 1).

231.3.2 The soil types listed below have one or more limiting characteristics that make soil type "NA" or require on-site investigation, no matter what other characteristics in the soil may be present.

<u>Soil Type</u>	<u>Minimum Lot Size</u>
5***H	NA, poorly drained soil
6***H	NA, very poorly drained soil
*75*H	NA, fill does not meet the Standards for fill material (see Key to Soil Types)
76**H	On-site evaluation needed

NA means not allowed

* means any slope number

231.3.3 In areas not currently served by municipal sewer systems, it shall be the responsibility of the subdivider or his agent to provide adequate information to prove that the area of each lot is adequate to permit the installation of an individual sewage system.

TABLE A - MINIMUM LOT AREA BY SOIL TYPE

SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE
111CH	45000	212CH	80000	23XDH	140000
111DH	60000	212DH	95000	23XEH	NA
111EH	NA	212EH	NA	241BH	50000
112BH	75000	213BH	50000	141CH	75000
112CH	80000	213CH	75000	241DH	100000
112DH	95000	213DH	100000	241EH	NA
112EH	NA	213EH	NA	243BH	50000
114*H	NA	214*H	NA	243CH	75000
11XBH	80000	21XBH	80000	243DH	100000
11XCH	100000	21XCH	100000	243EH	NA
11XDH	100000	21XDH	140000	244*H	NA
11XEH	NA	21XEH	NA	24XBH	90000
121BH	40000	221BH	40000	24XCH	130000
121CH	45000	221CH	45000	24XDH	180000
121DH	60000	221DH	60000	24XEH	NA
121EH	NA	221EH	NA	251BH	90000
122BH	75000	222BH	75000	251CH	135000
122CH	80000	222CH	80000	251DH	150000
122DH	95000	222DH	95000	251EH	NA
122EH	NA	222EH	NA	253BH	90000
124*H	NA	223BH	50000	253CH	135000
12XBH	80000	223CH	75000	253DH	160000
12XCH	100000	223DH	100000	253EH	NA
12XDH	140000	223EH	NA	254*H	NA
12XEH	NA	224*H	NA	25XBH	130000
161BH	50000	22XBH	80000	25XCH	190000
161CH	55000	22XCH	100000	25XDH	240000
161DH	70000	22XDH	140000	25XEH	NA
161EH	NA	22XEH	NA	261BH	50000
164*H	40000	231BH	40000	261CH	55000
166*H	NA	231CH	45000	261DH	70000
16XBH	90000	231DH	60000	261EH	NA
16XCH	110000	231EH	NA	263BH	60000
16XDH	150000	233BH	50000	263CH	85000
16XEH	NA	233CH	75000	263DH	110000
211BH	40000	233DH	100000	263EH	NA
211CH	45000	233EH	NA	264*H	NA
211DH	60000	243*H	NA	266BH	NA
211EH	NA	23XBH	80000	26XBH	90000
26XCH	110000	33XBH	115000	412BH	145000
26XDH	150000	33XCH	155000	412CH	190000
26XEH	NA	33XDH	205000	413BH	90000
275*H	NA	33XEH	NA	413CH	135000

Figures contained in Part ERI-93 1008.03 of the New Hampshire Code of Administrative Rules (August, 1999 edition).

SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE
311BH	60000	341BH	75000	414*H	NA
311CH	90000	341CH	100000	41XBH	150000
311DH	120000	341DH	125000	41XCH	180000
311EH	NA	341EH	NA	421BH	75000
312BH	95000	343BH	75000	421CH	115000
312CH	125000	343CH	100000	422BH	130000
312DH	155000	343DH	125000	422CH	165000
312EH	NA	343EH	NA	423BH	90000
313BH	60000	344*H	NA	423CH	135000
313CH	90000	34XBH	115000	424*H	NA
313DH	120000	34XCH	155000	42XBH	150000
313EH	NA	34XDH	205000	42XCH	180000
314*H	NA	34XEH	NA	431BH	150000
31XBH	100000	351BH	90000	431CH	150000
31XCH	120000	351CH	135000	433BH	115000
31XDH	160000	351DH	160000	433CH	50000
31WEH	NA	351EH	NA	434*H	NA
321BH	50000	353BH	90000	43XBH	175000
321CH	75000	353CH	135000	43XCH	235000
321DH	100000	353DH	160000	441BH	115000
321EH	NA	353EH	NA	441CH	150000
322BH	85000	354*H	NA	443BH	115000
322CH	100000	35XBH	130000	443CH	150000
322DH	135000	35XCH	190000	444*H	NA
322EH	NA	35XDH	240000	44XBH	175000
323BH	60000	35XEH	NA	44XCH	235000
323CH	90000	361BH	70000	451BH	135000
323DH	120000	361CH	100000	451CH	205000
323EH	NA	361DH	130000	453BH	135000
324*H	NA	361EH	NA	453CH	205000
32XBH	100000	363BH	70000	454*H	NA
32XCH	120000	363CH	100000	45XBH	195000
32XDH	160000	363DH	130000	45XCH	285000
32XEH	NA	363EH	NA	461BH	105000
331BH	75000	364*H	NA	461CH	150000
331CH	100000	366*H	NA	462BH	105000
331DH	125000	36XBH	110000	463CH	150000
331EH	NA	36XCH	130000	464*H	NA
333BH	75000	36XDH	170000	466*H	NA
333CH	100000	36XEH	NA	46XBH	165000
333DH	125000	375*H	NA	46XCH	195000
333EH	NA	411BH	90000		
334*H	NA	411CH	135000		

LOT AREA BY SOIL TYPE CALCULATION

DATE _____
 PROJECT NAME _____ TAX MAP # _____ LOT # _____
 STREET NAME _____ DEVELOPER _____
 OWNER (if different from developer) _____
 Minimum Lot Area can contain up to 25% Group 5 Soils Y ___ N ___
 Soil Mapping reference _____
 Ordinance Reference _____

	1	2	3	4	5
Soil Type	Soil Area (SF)	Group 5 Area (SF)	Group 6/Ledge Soil Area (SF)	Min Area Req'd/Lot (SF)	% Min Lot 1 ÷ 4

PART I

If $5 < 100\%$ and $2 = 0$, Upsize lot
 If $5 \geq 100\%$ then go to Part III
 If $5 < 100\%$ and $2 > 0$ then continue to Part II

PART II

$1 \div 5 = \text{Composite Minimum Lot Area} =$
 _____ ÷ _____ = _____

If $2 \geq 25\%$ composite minimum lot and $< 1 \geq 75\%$ composite minimum lot, continue to Part III, if not, upsize lot.

If $2 < 25\%$ composite minimum lot and $2 + 1 \geq$ composite minimum lot, continue to Part III, if not, upsize lot.

PART III

$1 + 2 + 3 = \text{Total lot area shown} =$ _____ (sf) or _____ (acres)

If total lot area shown is less than zoning requirements, then upsize lot.

231.4 ON-SITE INSPECTIONS

If deemed necessary, the Board may elect to visually inspect the property being subdivided. Under these circumstances, the developer may be asked to stake or flag proposed lot corners, wetland boundaries, where applicable and/or roadway centerlines on the ground for the purposes of facilitating such an inspection.

231.5 DEDICATION OF LANDS

231.5.1 Areas set aside for and where applicable improved suitably as parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

231.5.2 Where deemed essential by the Board, consistent with the Master Plan, and upon consideration of the particular type of development proposed, and especially in large scale neighborhood unit developments, the Board may require the dedication or reservation of recreational or open space of a character, extent, and location suitable to the needs created by such development.

231.6 TEST PITS/PERCOLATION TESTS

In areas not served by public sewer systems, the applicant shall submit test pit and percolation test data sufficient to demonstrate that a suitable area exists on each platted lot for the construction of an on-site subsurface sewage disposal system meeting the requirements of the NHDES.

231.7 MONUMENTATION

Boundary monuments shall be installed at all turning points on platted lot lines and any other point the Board, or its agent deem necessary to control the lines of streets, lots, easements, or rights-of-way. 4" x 4" x 36" reinforced concrete or stone markers shall be installed adjacent to all streets and shall be installed so as to protrude not less than three (3) inches nor more than six (6) inches above finished grade. Iron pins may be used at all other points and must be at least thirty-six (36) inches long and protrude a nominal three (3) inches above finished grade.

Section 232 - Streets

232.1 STREETS - GENERAL

- 232.1.1 No Street name shall be used which will duplicate or be confused with any street name already in use. Further, the use of persons "first" names as street names shall normally be avoided.
- 232.1.2 Street names shall be subject to approval of the Chief of the Derry Fire Department and the Planning Board.
- 232.1.3 The arrangement, character, extent, width, grade and location of all streets shall be considered in their relationship to existing or planned streets, to topographic conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served.
- 232.1.4 Proposed streets shall conform, as far as practicable, to the Master Plan.
- 232.1.5 The arrangement of streets in a proposed subdivision shall in the discretion of the Planning Board provide for the continuation of existing streets in adjoining areas and for their proper projection when adjoining land is developed in the future.
- 232.1.6 All streets in a proposed subdivision shall be so designed that, in the opinion of the Planning Board, they will provide safe vehicular travel while discouraging movement of through traffic, unless this condition is deemed desirable at a given location by the Board.
- 232.1.7 Where a subdivision abuts or contains an existing collection or arterial street, the Board may require internal access streets, reverse frontage with screen planting contained in a non-access reservation along a property line, deep lots with rear service streets or other such treatment as may be deemed necessary for adequate protection for residential properties and to afford separation of through and local traffic.
- 232.1.8 Where a subdivision borders on or contains a railroad right-of-way, the Board may require a street approximately parallel to, and on each side of such right-of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for approach grades and future grade separations.

- 232.1.9 Sidewalks shall be required in a subdivision when the average lot size is less than 43,560 square feet. The sidewalk shall be five (5) feet wide minimum with a six (6) inch crushed gravel base and a two (2) inch binder course overlaid with a one (1) inch finish course of hot bituminous concrete pavement. All sidewalk construction shall conform to the requirements of the Americans with Disabilities Act. If a horizontal separation between curb and sidewalk is proposed, the area between the two shall be grassed.
- 232.1.10 Where necessary, in the judgment of the Planning Board, sidewalks and/or rights-of-way (R.O.W.) for pedestrian travel and access may be required in subdivisions when the average lot size is one acre or larger, between subdivisions, or between a subdivision and public property.
- 232.1.11 In all proposed subdivisions the applicant shall provide for all necessary street lighting, including poles and light fixtures. Lights will be located where directed by the Planning Board and be of a type, style and intensity acceptable to the Planning Board.
- 232.1.12 All new streets shall have signs and pavement markings installed in accordance with the Manual of Uniform Traffic Control Devices. It will be the responsibility of the applicant to provide for and install all signs as necessary, including street identification signs.
- 232.1.13 All proposed streets in which the sub-base is within four (4) feet of the estimated seasonal high water table shall have underdrains installed in the subgrade (see Typical Roadway Cross Section for New Construction - Figure 1). Test pits will be required along the proposed roadway at 200 foot intervals to verify water table elevation. Where refusal (bedrock) is encountered a 2-foot coarse sand sub-base shall be placed between bedrock and the road base materials (See Figure 1).
- 232.1.14 Vertical granite curbing shall be required on all new roadways, together with a closed drainage system except where it is impractical or impossible to comply with State of New Hampshire requirements concerning stormwater treatment and discharge, or in areas where the Derry Planning Board prefers an uncurbed typical section. Vertical granite curb shall have minimum dimensions of six (6) inches in width by eighteen (18) inches in height.

232.1.15 All roadway construction shall conform with the Typical Roadway Cross-Section for New Construction (Figure 1) as well as Table B - Table of Geometric Standards attached to these regulations.

232.1.16 Driveway curb cuts will be installed prior to the placement of wearing course of hot bituminous asphalt pavement. No driveway locations shall be amended or relocated once the curbing is installed and wearing course is in place. All proposed driveway aprons shall be constructed to a point 30-feet inward from the edge of pavement on all streets at the time of street construction.

232.1.17 Roadway embankment slopes shall not be steeper than 4-feet horizontal to 1-foot vertical and shall be graded, loamed (4-inches compacted), and seeded. Roadway embankment slopes in ledge cuts shall not be steeper than 0.5-feet horizontal to 1-foot vertical. The Planning Board in special circumstances such as may permit steeper embankment slopes when the typical 4:1 slope requirement would cause excessive earthwork or impact to wetlands.

232.1.18 Guardrails shall be provided at all locations where roadway fill embankment slopes are steeper than 4:1.

232.2 HORIZONTAL ALIGNMENT OF STREETS

232.2.1 Street intersections shall have a minimum centerline offset of 200 feet.

232.2.2 Street intersections shall be designed to intersect at 90 degrees where conditions permit. No intersection shall be permitted where the angle of intersection is less than 80 degrees.

232.2.3 All streets and their intersections shall be designed and constructed with a tangent between successive or reverse curves. The minimum tangent length shall be as indicated in the Table of Geometric Standards attached herewith (Table B).

232.2.4 Whenever a street centerline changes direction, a horizontal curve shall be required between successive tangents. The minimum radius for horizontal curves is indicated in the Table of Geometric Standards attached herewith (Table B).

232.2.5 Single access cul-de-sac streets shall not contain more than 30 dwelling units, nor be longer than 2000 feet as measured from the centerline of the nearest through street to the centerline radius point of the cul-de-sac. The geometry of proposed cul-de-sacs shall conform with the Table of Geometric Standards attached herewith (Table B).

232.2.6 Right-of-way lines at intersections of streets and cul-de-sacs shall be rounded with a curve having a minimum radius of 25 feet. A greater radius may be required if requested by the Planning Board.

232.3 VERTICAL ALIGNMENT OF STREETS

232.3.1 Street grades shall conform to those indicated in the Table of Geometric Standards (Table B).

232.3.2 Vertical curves shall be required at all locations where the change in grade is one percent (1%) or greater. Minimum length of vertical curve shall be determined by the formula $L=KA$, where L =length of Vertical Curve in feet, A = the algebraic difference in grade in percent, and K is the length of vertical curve per change in A . Values for K are listed in the Table of Geometric Standards (Table B).

232.3.3 At proposed intersections, the cross slope of the intersected street shall be extended a minimum of 10-feet past the typical width of pavement before introducing Point of Vertical Curvature (PVC) of the profile of the intersection street. Further, from that PVC, the maximum grade for 75-feet shall not exceed two percent on arterial and collector roads; nor three percent on service roads.

232.3.4 Where, in opinion of the Board, and where it has been demonstrated to the satisfaction of the Board by the subdivider that adherence to the maximum allowable road grade specified in the Table of Geometric Standards (Table B) will cause excessive cuts and fills, a waiver from the above specified maximum grade may be granted provided that the maximum allowable grade shall not exceed the maximum allowable grade indicated in Table B, plus two percent (2%), to a maximum of eight percent (8%).

232.4 STOPPING SIGHT DISTANCE

232.4.1 All streets within a subdivision shall be designed to provide a stopping sight distance at all locations in accordance with the recommendations of the American Association of State Highway and Transportation Officials (AASHTO) as set forth in "A Policy of Geometric Design of Highways and Streets - 1990". An excerpt from Table III-1 of the foregoing document is set forth below for convenience:

DESIGN SPEED MPH	MIN. STOPPING SIGHT DISTANCE FEET
20	125
25	150
30	200
35	225
40	275
45	325
50	400
55	450

232.4.2 The AASHTO recommendations are based on the height of the driver's eye at 3.5 feet above road the surface and the height of the object to be observed at six (6) inches above the road surface. The six (6) inch object shall be considered to be in the driveway at a location ten (10) feet back from the edge of pavement on the street to be accessed; the driver's eye to be in a vehicle approaching the driveway.

232.4.3 Where a subdivision street intersects a proposed or existing street, the subdivision street shall be located such that the foregoing stopping sight distances can be achieved from the point located 10-feet back from the edge of pavement of the intersected street.

232.4.4 Each lot within the subdivision shall be laid out such that a driveway for access to said lot can be located so that the foregoing stopping sight distances can be achieved from the proposed driveway intersection along the street.

232.4.5 To determine whether the foregoing stopping sight distance requirements have been met, the designs plans shall include plans and profiles of proposed and existing streets and driveways. The plans and profiles called for by this paragraph shall be drawn to a scale of 1-inch to 50-feet in the horizontal and 1-inch to 5-feet in the vertical.

232.4.6 The applicant shall provide certification from a Licensed Land Surveyor or Registered Professional Engineer that the above requirements have been met on the plans submitted to the Board for approval.

232.4.7 Sight distance easements shall be provided to the Town along horizontal curves and intersections in order to maintain sight distance requirements, where necessary.

TABLE B - TABLE OF GEOMETRIC STANDARDS

	Arterial	Collector	Service
1. Minimum R.O.W. Width	80'	66'	50'
2. Minimum angle of intersection (90° Desirable)	80°	80°	80°
3. Min. tangent length at intersections & between reverse curves	300'	200'	100'
4. Minimum centerline radius	955'	573'	300'
5. Cul-de-sacs:			
a. Maximum length	N/A		2,000
b. Min. radius of R.O.W. at closed end	N/A		75'
c. Min. radius of pavement at closed end	N/A		62'
d. Min. pavement width at closed end	N/A		24'
6. Minimum Street Grade	1%	1%	1%
7. Maximum Street Grade	4%	6%	6%
8. Maximum grade within 75' of intersections & cul-de-sacs	2%	2%	3%
9. Minimum K value for vertical curves			
a. Crest vertical curves	80	60	30
b. Sag vertical curves	70	60	40
10. Pavement (See Figure 1)			
a. Minimum width	40'	36'	24'
b. Minimum cross slope	2%	2%	2%
c. Maximum cross slope	4%	4%	4%
d. Minimum sand sub-base to bedrock*** (Coarse Sand)	2'	2'	2'
e. 1) Minimum road sub-base thickness (Coarse Sand)	8"	8"	8"
2) Minimum road sub-base thickness (Bank Run Gravel)	8"	8"	8"
f. Minimum road base thickness (crushed gravel)	8"	8"	8"
g. Minimum bituminous pavement thickness (Concrete Base Course)	2.5"	2.5"	2.5"
h. Minimum bituminous pavement thickness (Concrete Wearing Course)	1.5"	1.5"	1.5"
11. Minimum width of shoulders	8'	6'	-
12. Sidewalks (where required)			
a. Minimum width	5'	5'	5'
b. Minimum gravel base course	6"	6"	6"
c. Minimum bituminous concrete surface	3"	3"	3"

Street classification system guidelines and definitions:

- Service roads: Local roads and streets are primarily intended to carry an average daily traffic volume of 1,000 vehicles per day or less. In general, service roads are those roads which provide access from individual parcels of land to collector roads and in some cases to arterial roads.
- Collector roads: Collector roads and streets are primarily intended to carry an average daily traffic volume of 1,000 to 5,000 vehicles per day; serving to link service roads with arterial roads.
- Arterial Roads: Arterial roads and streets are those roads which carry in excess of 5,000 vehicles per day.

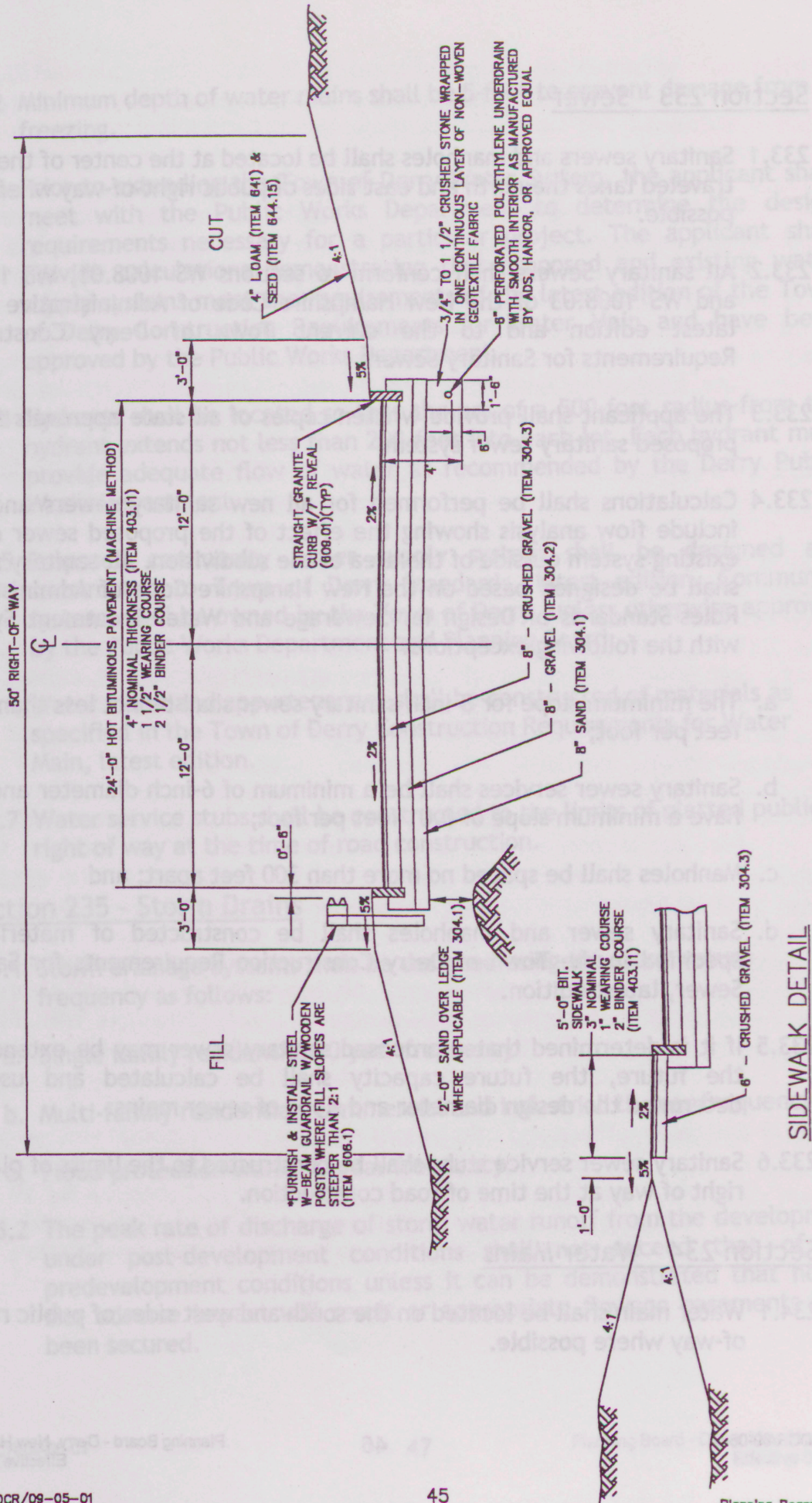


FIGURE NO. 1
TOWN OF DERRY, NEW HAMPSHIRE
TYPICAL CROSS-SECTION - SERVICE ROAD

NOT TO SCALE

NOTE:
ITEM NO.'S REFER TO NHDOT "STANDARD
SPECIFICATIONS FOR ROAD & BRIDGE CONSTRUCTION".

Section 233 - Sewer

- 233.1 Sanitary sewers and manholes shall be located at the center of the traveled lanes the north and east sides of public right-of-way where possible.
- 233.2 All sanitary Sewers shall conform to sections WS 1008.01, WS 1008.02 and WS 1008.03 of the New Hampshire Code of Administrative Rules, latest edition and to the current Town of Derry Construction Requirements for Sanitary Sewers.
- 233.3 The applicant shall provide written copies of all state approvals for the proposed sanitary sewer system.
- 233.4 Calculations shall be performed for all new sanitary sewers and shall include flow analysis showing the effect of the proposed sewer on the existing system outside of the area of the subdivision. All sanitary sewers shall be designed based on the New Hampshire Code of Administrative Rules-Standards of Design for Sewerage and Water Treatment Systems with the following exceptions:
- a. The minimum slope for 8-inch sanitary sewer shall be not less than 0.005 feet per foot;
 - b. Sanitary sewer services shall be a minimum of 6-inch diameter and shall have a minimum slope of 0.01 feet per foot;
 - c. Manholes shall be spaced no more than 300 feet apart; and
 - d. Sanitary sewer and manholes shall be constructed of materials as specified in the Town of Derry Construction Requirements for Sanitary Sewer, latest edition.
- 233.5 If it is determined that a proposed sanitary sewer may be extended in the future, the future capacity shall be calculated and used to determine the design diameter and slope of sewer mains.
- 233.6 Sanitary sewer service stubs shall be constructed to the limits of platted right of way at the time of road construction.

Section 234 - Water Mains

- 234.1 Water main shall be located on the south and west sides of public right-of-way where possible.

234.2 Minimum depth of water mains shall be 5-feet to prevent damage from freezing.

234.3 Prior to extending the Town of Derry Water System, the applicant shall meet with the Public Works Department to determine the design requirements necessary for a particular project. The applicant shall provide calculations demonstrating that proposed and existing water supply systems meet the requirements of the latest edition of the Town of Derry Construction Requirements for Water Main and have been approved by the Public Works Department.

234.4 Hydrants shall be located so that the arc of a 500-foot radius from the hydrant extends not less than 200-feet into each lot. Each hydrant must provide adequate flow of water as recommended by the Derry Public Works Department.

234.5 Proposed community water supply system shall be designed and constructed to Town of Derry Standards, latest edition. Community systems shall be owned by the Town of Derry, unless otherwise approved by the Public Works Department and Planning Board.

234.6 Water mains and appurtenances shall be constructed of materials as specified in the Town of Derry Construction Requirements for Water Main, latest edition.

234.7 Water service stubs shall be constructed to the limits of platted public right of way at the time of road construction.

Section 235 - Storm Drains

235.1 Storm drainage systems shall be designed using the storm return frequency as follows:

- a. Single family residential 10 year frequency
- b. Multi-family residential, commercial and industrial 25 year frequency
- c. Flood protection works 50 year frequency

235.2 The peak rate of discharge of storm water runoff from the development under post-development conditions shall not exceed that of the predevelopment conditions unless it can be demonstrated that no off site adverse impact will result or appropriate flowage easements have been secured.

235.3 The maximum distance of overland flow along roadways shall not exceed 400 feet.

235.4 Drainage calculations submitted shall where appropriate include flow analysis showing the effect of a subdivision on the existing drainage facilities outside of the area of the subdivision. Where the Board anticipates that additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility so that there will be a reasonable likelihood of damage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until adequate provision is made, at the subdivider's expense, for the accommodation of downstream drainage improvements.

235.5 All calculations used for the design of the storm drainage system shall be by currently recognized best engineering methods and practices; and shall be stamped by a Licensed Professional Engineer.

235.6 Calculations shall be for both pre-development and post-development conditions and shall include the nature and times of concentration, runoff coefficients or curve number, maximum rate of runoff, total amount of runoff, storm sewer and drainage ditch sizing, culvert sizing for all roadway and driveway crossings, retention/detention facilities, and other information as may be required by the Board or Town Engineer.

235.7 All storm sewers shall be designed to have a minimum flow velocity of 2-feet per second and a maximum flow velocity of 12 feet per second based on calculated design flow and corresponding to the applicable return frequency design storm.

235.8 All open ditches and swales shall be designed to have a maximum flow velocity of 10 feet per second. All open ditches and swales shall be designed in accordance with Design of Stable Channels With Flexible Linings, Hydraulic Engineering Circular No. 15, published by the U.S. Department of Transportation, October 1975.

235.9 Suitable methods and calculations shall be used to design erosion control methods for use with all storm drainage systems. Such methods shall include but not be limited to: head walls or end sections for all inlets and outlets, bedded rip rap for drainage ditches that exceed a flow velocity of 2.5 feet per second, slope mattresses and revegetation.

235.10 Minimum pipe size shall be 12 inches in diameter for privately maintained storm drainage systems and 15 inches in diameter for publicly maintained storm drainage systems. The minimum depth of cover from the road or ground surface to the crown of the pipe shall be not less than 3 feet.

235.11 Storm sewer and appurtenances shall be constructed of materials in accordance with the standards set by the Public Works Department for the Construction of Storm Drains, latest edition. All catch basin grates and frames shall be NHDOT - Type A unless otherwise approved by the Planning Board. Polyethylene liners shall be installed in all proposed catch basins.

Section 236 - Fire Protection

236.1 FIRE PROTECTION OPTIONS

236.1.1 Fire Hydrants - Any development occurring within 1000 linear feet, as measured along the course of a public street or right-of-way, of an existing municipal water main shall extend the system to provide fire hydrants for fire protection purposes. All water mains and fire hydrants shall be installed in accordance with the requirements of the Public Works Department. In the event that the Public Works Department deems the extension of the water main technically unfeasible, the developer will be required to install fire cisterns or individual residential sprinkler system as specified below.

236.1.2 Fire Cisterns- Any development occurring outside the municipal water system by a distance greater than 1000 feet may provide water for fire protection purposes through the use of fire cisterns. The size, location and specification of the fire cistern shall be in accordance with the requirements of the Chief of the applicable Fire Department. The developer will be required to present a statement from the Fire Department which indicates compliance with this provision.

236.1.3 Residential Sprinkler Systems - Residential sprinkler systems, installed in accordance with the most recent edition of Standard 13D and 13R of the National Fire Protection Association may be installed in each residence, in lieu of fire cisterns.

- 236.1.4 Subdivisions and developments containing three (3) or less single-family residences shall be exempt from the requirement for fire cisterns provided that new dwellings constructed within these subdivisions or developments are protected with residential sprinkler systems.

236.2 FIRE CISTERN SPECIFICATIONS

- 236.2.1 Cisterns shall be located not more than 1000 feet travel distance from the nearest lot corner of the furthestmost lot.
- 236.2.2 Fire cisterns shall be designed and constructed of materials with an anticipated service life of 50-years.
- 236.2.3 The cistern design and capacity shall conform with the most recent edition of Standard 1231 of the National Fire Protection Association (NFPA).

Section 237 - Other Utilities

- 237.1 In all proposed subdivisions, electric, telephone, cable, and other utility distribution lines shall be installed underground per specifications of the utility companies involved.
- 237.2 Appropriate easements, if any, required for proper utility construction and maintenance shall be platted and conveyed as part of subdivision design.
- 237.3 Utility construction shall be completed in a manner which will not interfere with proper roadside drainage.
- 237.4 Detailed plans for all underground transmission or utility lines shall be supplied to the Public Works Department prior to installation and "record" drawings, sealed by a Licensed Professional Engineer, or Licensed Land Surveyor, shall be supplied to the Public Works Department and utility companies following installation and prior to release of performance guarantees.

Section 238 - Special Flood Hazard Areas

- 238.1 All subdivision proposals which contain lands designated as Special Flood Hazard Area by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the Town of Derry, NH" together with the associated Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps dated April 15, 1982, shall meet the requirements of this section.

238.2 The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

238.3 The Planning Board shall require that all subdivision proposals include within such proposals base flood elevation data, if applicable.

238.4 Sufficient evidence (construction, drawings, grading and land treatment plans) shall be submitted so as to allow a determination that:

- a. all such proposals are consistent with the need to minimize flood hazards;
- b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. adequate drainage is provided so as to reduce exposure to flood hazards.

238.5 In order to obtain the approval of the Planning Board, the applicant must affirmatively demonstrate to the Board, by a preponderance of the credible evidence presented at a public meeting or meetings, that all the requirements of this section have been met and that the procedures set forth in these regulations have been followed.

238.6 No development which requires approval by the Board will be permitted in the Conservation Corridor Overlay District (as defined in the Derry Zoning Ordinance), unless the applicant has applied for and received a special exception under the provisions of Article 800 - Section 805 of the Zoning Ordinance; and has demonstrated that there will be no impairment of the absorptive capacity of the wetlands within the Conservation Corridor Overlay District, as defined by the Town of Derry Zoning Ordinance, that flood water elevations will not be increased, and that there will be no harm caused to wildlife.

Section 239 - Off-Site Improvements

239.1 If the Board determines that the proposed development creates the need for off-site improvements, all or part of which are rationally related to or occasioned by the proposed development, or which will require an excessive expenditure of public funds in order to provide the same, the Planning Board may impose the requirement that the applicant install or pay for all or part of such off-site improvements.

239.1.1 When imposing such requirement, the Board shall consider the degree to which the proposed development is benefited by such off-site improvements.

239.1.2 Such deliberations shall include whether other properties would also benefit from the upgrading of such off-site improvements. In such cases the Board shall determine the amount to be paid by applicant, taking into consideration the following:

- a. the character of the area;
- b. the extent that the general and/or other public or private property will be benefited by the off-site improvement; and
- c. any other factor that the Board deems appropriate to establish a rational connection to the needs created by the development to the amount to be paid by the applicant.

Section 239 - Off-Site Improvements

Section 239 - Off-Site Improvements

Article 240 - PERFORMANCE GUARANTEES AND PROCEDURES

Section 241 - General Provisions

Before final approval is recorded at the Registry of Deeds, the applicant must either:

- a. Complete all improvements specified on the plan; or
- b. File a performance guarantee in an amount sufficient to cover the cost of preparation of the streets, curbs, sidewalks, streetlights, street signs, traffic signals, municipal water and municipal sewer facilities, setting boundary monuments, parks and recreational areas, or other offsite or promised improvements where applicable.

Section 242 - Performance Guarantee Requirements and Procedures

242.1 Any performance guarantee shall be approved as to form and amount by the Derry Planning Board, and conditioned on the completion of such improvements within two years of the date of the performance guarantee unless released earlier by a vote of the Board upon request of the subdivider. Guidelines, procedures and requirements for establishing performance guarantees are more specifically outlined in the "Development Project Security Workbook" of the Town of Derry appended to these regulations.

242.2 The applicant shall construct and pay for all temporary improvements, such as erosion and sedimentation control measures and temporary infrastructure improvement, required by the Board, and shall maintain those improvements for the period of the performance guarantee or the date that the Town accepts the dedication of the streets and releases all securities whichever date comes earlier.

242.3 If improvements for which security is given are not completed within the period specified in the performance security, then the Board may vote to complete the improvements and withdraw the necessary funds from the balance of any such security with accordance in the term of security.

242.4 When subdivision improvements have been certified to be complete and acceptable to the Town by the Town Engineer or the Planning Board's Designee, the Board may vote to recommend that the Town Council accept such roads, parks and other improvements.

242.5 The approval of a subdivision plan by the Board shall not constitute or imply the acceptance by the town of any street, easement or park shown on the plan, nor shall any such street, easement or park shown on the plan be deemed to have been accepted unless and until the Town Council shall have voted to do so. Prior to acceptance of streets, easements or lands to be conveyed to the Town by any party, the applicant or his/her successor shall provide for executed Warranty or Easement Deeds, in a form acceptable to the Town, conveying such land or easements to the public.

Section 243 - Inspection Requirements

In order to confirm that various items and features, delineated on plans presented to the Planning Board for approval (or which are otherwise required in connection with the development), are, in fact, constructed in accordance with those plans and/or in accordance with applicable codes and standards, the Planning Board may, at the time of plan approval, require the applicant to establish an appropriate escrow, or other security in addition to the Performance Guarantee described in Section 242 herein, acceptable to the Planning Board, which will be used by the Town of Derry as security for retention of appropriate engineers or other consultants to confirm that construction is in conformance with the approved plans and/or applicable codes and standards. The applicant shall reimburse the town for the cost of such engineers or consultants, prior to release of said security. Specific details and procedures concerning construction-monitoring requirements are as contained in the "Subdivision Construction Monitoring" and "Offsite Development Construction Monitoring" workbooks appended to these regulations.

Section 244 - As-Built Plan Requirements

In order to provide a permanent record of the locations, dimensions and characteristics of various items and features, delineated on plans presented to the Planning Board for approval (or which are otherwise required in connection with the development), the Planning Board shall require the applicant to provide "as built" drawings, sealed by a Licensed Professional Engineer, or Licensed Land Surveyor, prior to the final release of performance guarantees pertaining to such items. As-built plan requirements and content shall conform with applicable standards established by the Public Works Department.

Section 245 - Release of Performance Guarantees

245.1 Performance guarantees shall not be released until a third party Licensed Land Surveyor or Professional Engineer has certified that required boundary monuments have been set.

245.2 As phases or portions of the secured improvements or installations are completed and approved by the Planning Board, the Board may partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations, provided, however, that the Planning Board shall establish a reasonable retainage sufficient to repair or complete any such improvement on account of damage or deterioration caused by or on account of the completion of the project.

245.3 The security posted by the applicant may, upon request of the applicant, be released to the extent of improvements completed, as certified by the Town's inspecting engineer.

245.4 Developers shall be required to maintain all required public improvements in the subdivision, including snow removal, until the street, or other improvements, is officially accepted by the town.

Article 250 - ADMINISTRATION AND ENFORCEMENT

Section 251 - General Requirements

251.1 All construction within new developments shall be performed in accordance with the plans, profiles, typical sections and details approved by the Board and the requirements contained therein.

251.2 Minor changes or revisions to said plans, profiles, typical sections and details caused by unanticipated conditions encountered during construction shall be designed by the applicant's engineer and shall be subject to the written approval of the Town Engineer with concurrent notice to the Planning Director prior to such approval being given. Major changes or revisions to any plan previously approved by the Planning Board which involve material alterations in the work, or involve discretionary judgment powers generally reserved for the Planning Board under these regulations or applicable statutory provisions, shall be made only upon receipt of approval from the Derry Planning Board. Those contemplating a change or revision to approved project plans shall contact the Planning Director and Town Engineer regarding the proposed change. The Planning Director, in consultation with the Town Engineer, shall render an opinion as to whether a contemplated change is deemed to be a major or minor revision.

251.3 Executed and recordable instruments of conveyance shall be delivered to the Town conveying land to be used for public purposes, easements and rights-of-ways over property to remain in private ownership, and rights of drainage across private property shall be submitted in a form satisfactory to the Town's attorney.

251.4 No occupancy permits shall be granted for any structure located adjacent to a proposed right-of-way until:

- a. All utilities including sewer, water and drainage structures are complete for the entire length of the lot frontage upon which the structure is located;
- b. All roadway construction has progressed to at least the point of installation of the base course of bituminous concrete pavement; and
- c. All instruments of conveyance required under Section 251.3 herein are delivered to and recorded at the Rockingham County Registry of Deeds.

Section 252 - Construction Specifications

252.1 All items of work shall be constructed in conformance with all codes, ordinances, specifications and regulations adopted by the Town. Any item of work for which there are no specifications contained herein shall conform to "Specifications For Road and Bridge Construction" of the State of New Hampshire Department of Transportation, latest edition.

Section 253 - Construction Monitoring and Inspection

253.1 All construction within new developments shall follow the procedures as set forth in the Construction Monitoring Procedures and Checklist, published by the Derry Department of Public Works, latest edition.

Section 254 - Violations and Penalties

254.1 Penalties-Any violation of these regulations shall be subject to the penalties as provided for in RSA 676:17, as amended. Each day the violation continues shall constitute a new violation.

Section 255 - Active and Substantial Development and Building

255.1 In approving any application, the Planning Board may specify the threshold level of work which shall constitute "active and substantial development and building" for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39. Active and substantial development, in the absence of the specific finding of the Planning Board, shall mean construction of one or more subdivision roads on a subdivision plan, through binder course of hot bituminous pavement, sufficient to cause eligibility for certificates of occupancy for structures on those lots as to which RSA 674:39 exemption is or will be claimed under the provisions of Section 251.4 of these regulations.

Section 256 - Substantial Completion

256.1 Substantial completion of project improvements, unless otherwise specified by the Planning Board in connection with a subdivision approval, shall include the improvement of all on-site and off-site improvements specified in the subdivision approval, except for those improvements which are specifically deferred by recorded vote of the Planning Board prior to the expiration of the four year period specified in RSA 674:39. To the extent that the Planning Board calls a bond or other security for such improvements and the funds are paid to the Town, substantial completion of the improvements in the subdivision shall be deemed to have occurred.

Part III - Site Plan Regulations

ARTICLE 300 - GENERAL PROVISIONS

Section 301 - Title

Part III of these Land Development Control Regulations shall be known as the Site Plan Regulations of the Town of Derry, New Hampshire.

Section 302 - Authority

These regulations have been prepared in accordance with the authority vested in the Town of Derry Planning Board by vote of Town Meeting on March 08, 1960 and in accordance with RSA 674:43, as amended.

Section 303 - Purpose

303.1 Uphold the purposes set forth in RSA 674:44, including to:

- a. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of: inadequate drainage or conditions conducive to flooding of the property or that of another; inadequate protection for the quality of groundwater; undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and inadequate provision for fire safety, prevention, and control;
- b. Provide for open harmonious and aesthetically pleasing development of the municipality and its environs;
- c. Provide for open spaces and green spaces of adequate proportions;
- d. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
- e. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;

- f. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
 - g. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health; and
 - h. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.
- 303.2 To assist the Planning Board in carrying out the objectives of the Zoning Ordinance, including the provisions of Article 1300 of the Zoning Ordinance, the Growth Management Ordinance.
- 303.3 To assist the Planning Board in carrying out the objectives of the Town's Master Plan.
- 303.4 To provide for the timely installation of off-site and on-site improvements necessitated by the development and for the payment of such improvement costs.

Section 304 - Applicability

- 304.1 These regulations shall apply to all site plans, for non-residential and/or multifamily development, located within the boundaries of the Town of Derry.
- 304.2 Neither non-residential nor multi-family residential land development activities shall commence until:
- a. The proponent has obtained final approval of the site plan; and
 - b. The approved site plan has been recorded at the Rockingham County Registry of Deeds.
- 304.3 Notwithstanding these regulations, any person may, without Planning Board approval, record a plan of the type described in RSA 676:18, II, and II-a, provided however, that no other or additional information is included thereon except as authorized by said statute and certified thereon in accordance with RSA 676:18 III.

Section 305 - Appeals

- 305.1 Any person aggrieved by any decision of the Planning Board upon these regulations may appeal to the Superior Court as provided in RSA 677:15.
- 305.2 Any person aggrieved by a decision of the Planning Board concerning site plan approval or disapproval may appeal to the Zoning Board of Adjustment if the decision was based upon the terms of the Zoning Ordinance, as provided in RSA 676:5, III.

Section 306 - Waivers

- 306.1 Where the Planning Board finds that unnecessary hardship may result from strict compliance with these regulations with respect to a particular tract of land, the Board may modify or waive these regulations so that substantial justice may be done and the public interest secured, provided that:
- a. The waiver shall not have the effect of nullifying the intent and purpose of these regulations;
 - b. The Planning Board requires such conditions as will, in its judgment, secure the objectives of the regulations which are waived;
 - c. The waiver is requested in writing;
 - d. The waiver is based on evidence presented to the Board by the applicant;
 - e. The Planning Board formally votes on such waiver; and
 - f. The waiver is noted on the final approved plan.
- 306.2 The Planning Board may set higher requirements with regard to any standards in these regulations if, in the opinion of the Board, it is necessary to protect the health, safety or welfare of the community.
- 306.3 The requirements of Section 337 of these regulations pertaining to "Special Flood Hazard Areas" shall not be waived.

ARTICLE 310 - APPLICATION AND APPROVAL PROCEDURES

Section 311 - Site Plan Determination

311.1 In order to facilitate existing land and business owners who may from time to time seek to amend the use of, or minimally alter or expand existing commercial/industrial or multi-family structures, the Planning Board may, after submittal of a duly executed application for a site plan determination; and conducting a duly noticed public hearing, grant approval for the same without the need for a complete and formal site plan review application.

311.2 Prior to submission of an application for a site plan determination, potential applicants are encouraged to discuss the pending proposal with the Planning Director, who may generally advise such potential applicant as to whether or not said proposal meets the Planning Board's requirements for approval under this section.

311.3 Applicants seeking a site plan determination by the Planning Board shall submit a duly executed site plan determination application on forms provided by the Planning Department, together with any exhibits or fees required as part of the same.

311.4 At a duly noticed public hearing, the Planning Board shall consider the applicants request and make a determination as to whether or not the applicant's proposal is eligible for approval under this Section. After such deliberations, the Planning Board may grant approval to the applicant enabling the applicant to proceed with his/her proposal after issuance of any required local building permits and/or state or local utility permits; grant approval to the application subject to specific conditions; or deny the application.

311.5 In cases where an application for a site plan determination is denied, the applicant may submit an application for site plan review under the terms and conditions of these regulations.

Section 312 - Conceptual Consultation Phase

312.1 Prior to formal application for Site Plan approval, an applicant, or his authorized agent, may request an informal consultation under RSA 676:4 II (a) with the Board to discuss the proposal and preliminary concepts associated with the proposed development, and to provide the Board an opportunity to provide its input in order to assure conformance with current regulations.

312.2 This consultation shall neither bind the applicant nor the Board.

312.3 This consultation shall be limited to conceptual discussions related to the desirability of the proposed development and its conformance to the Master Plan and these regulations.

312.4 This consultation shall occur only at a regular or special meeting of the Board.

312.5 This consultation shall not require formal public notification, unless in the opinion of the Planning Director and/or the Planning Board, the anticipated topics of discussion contain specific details of a future site development proposal generally reserved for the Design Review Phase or Final Application Phase, in which case the consultation must be held under the provisions of Section 313 of these regulations - Design Review Phase.

312.6 Plan review under this section shall not constitute a completed application, nor formal acceptance by the Board under RSA 676:4, I (c); nor shall any plans submitted for conceptual consultation be deemed to be a completed application under that section.

Section 313 - Design Review Phase

313.1 Design Review Phase is not required, but is strongly recommended, particularly in cases of developments of significant size or complexity.

313.2 Design Review Phase shall be used for design review under RSA 676:4, II (b). In the Design Review, the Board may engage in non-binding discussion with the applicant which may extend beyond conceptual and general terms.

313.3 Design Review Phase shall not constitute a completed application nor formal acceptance under these regulations or under RSA 676:4, I (c); nor shall any plan submitted for design review be deemed to be a completed application under this section.

313.4 Design Review Phase review may occur only after notice and publication as prescribed under RSA 676:4, I (d).

313.5 Eight (8) copies of the Design Review Phase Submittal as described in Section 323 of these regulations shall be filed with the Board at the time of Design Review Phase Application. The Board will then study the preliminary site layout and proposed streets in connection with the topography of the area, the existing requirements of the community, and the best use of the land to be developed and that of the adjoining areas.

313.6 The Board may hold discussions with the applicant or his agents and may hear and confer with other parties whose interests may be affected by the proposed layout. After such discussions, the Board shall communicate to the developer the specific changes, if any, which it may require as prerequisite to the subsequent approval of the final site plan.

Section 314 - Final Application Phase

314.1 At the initial Public Hearing of a Final Site Plan Application, the Board shall determine whether or not the submitted application is complete according to the regulations of the Board as set out in Section 324 of these regulations and pursuant to RSA 676:4, I (c). Such determination shall be made by vote of the Board within 30 days of delivery of the application. If the Board determines that the application is not complete, the Board shall notify the applicant in writing of the determination in accordance with RSA 676:3, and shall state in that notice the information, procedure or other requirement necessary for the application to be complete.

314.2 If the Board determines that a final Site Plan Application is complete according to the regulations of the Board, the Board shall vote to accept the application for jurisdiction. The Board shall then begin formal consideration of the application.

314.3 Before the Final Application is approved or disapproved, the Board shall hold a public hearing on the plan.

314.4 The Board shall vote to approve, approve subject to conditions, or disapprove the application within 65 days of the vote that the application is complete unless:

- a. upon application by the Planning Board, the Town Council granted an extension not to exceed in additional 90 days;
or
- b. the applicant waives this requirement in writing and consents to a mutually agreeable extension of time.

314.5 If the Planning Board fails to act within the time specified by these regulations, RSA 676:4, or any previously agreed extension, then the applicant may apply to the Town Council for relief as described in RSA 676:4, I (c).

314.6 The Town Council is hereby specified as the Municipal Board which shall issue on behalf of the Board, a certificate of failure on the part of the Planning Board to take action on approval or disapproval of a plat submitted to it, as provided in RSA 676:4, I (C) (1).

Section 315 - Application for Special Permits Under Article 1300 of the Zoning Ordinance; The Growth Management Ordinance

315.1 Unless exempted under the provisions of Section 1305 (A) (2) of the Zoning Ordinance, every multi-family site plan applicant must complete an application for a specific permit under the Growth Management Ordinance (GMO) to be submitted to the Planning Director at the same time as, and as a part of the final application. No final application shall be deemed to be complete under these regulations unless and until the application for special permit has been submitted and a report thereon, as required by Section 1305 (B) (1) of the Zoning Ordinance, has been submitted to the Planning Board.

315.2 The application for site plan approval, in addition to all other requirements set out in these regulations, must include the following;

- a. A completed Special Permit application, including a calculation of development points based on the present Capital Improvements Plan;
- b. A map showing the location of the proposed multi-family site along with the location of abutting land holdings of the applicant or by entities owned or controlled by the applicant; and
- c. Other information required by the Planning Director in order to appropriately evaluate the application.

315.3 When the Planning Director receives a Special Permit application under the Growth Management Ordinance (GMO), the Planning Director shall review the application.

- a. The Planning Director may request reports from appropriate town or school officials or agencies.

- b. Within 20 days of the submission of a Special Permit application, the Planning Director shall notify the applicant and the Planning Board of his findings on the application, including the how many development points the proposal is eligible to claim.
- c. The Planning Board shall review the Special Permit application in conjunction with its site plan review.
- d. The Planning Board's decision on the approval or disapproval of the site plan shall set out the following: the total number of Special Permits for which the development is eligible; the number and identity of dwelling units which are allocated to the Basic Development Right; and the number and identity of dwelling units which constitute the Additional Development Right, and the years in which these Additional Development Rights are exercisable based on the then current long term Capital Improvement Plan as adopted by the Planning Board pursuant to Section 1307 of the Zoning Ordinance.

Section 316 - Fees and Costs

316.1 The following fees shall be paid at the time of application.

- a. Application Fee (Final application phase submittals only)
\$100/site
- b. Notice Fee (Design Review Phase and final application phase submittals only)
The current cost of Certified mail postage/Abutter or other person receiving notice.
- c. Plan Review Fee (Final application phase submittals only)
Commercial/Industrial: \$450/acre or fraction thereof
Multi Family Residential: \$40/unit (\$450.00 min.)

Section 317 - Public Hearings

317.1 Whenever a public hearing is required by these regulations or by applicable statutes, the following procedures shall be used.

317.2 The applicant shall be present at the public hearing. If the applicant is not the owner of the parcel under review, the applicant shall provide a written authorization, containing the notarized signature of the owner(s), authorizing the applicant to act as an agent, for and on behalf of the owner(s), at such public hearings, and authorizing the agent to make all decisions and commitments with respect to the Board's review of the proposal which the owner(s) could make if personally present.

317.3 Notice of the application shall be sent by certified mail sent at least 10 days prior to the public hearing to the following persons:

- a. Abutters as defined in Section 102.5 of these regulations;
- b. All property owners within 200 feet of the subject property as delineated on the Town's GIS system;
- c. The applicant and current property owner;
- d. Holders of land conservation, preservation or agricultural preservation restriction; and
- e. Every engineer, architect, land surveyor, soil scientist, or wetlands scientist whose professional seal appears on the plat submitted to the Board.

317.4 Notice to the general public shall be given by publishing in a newspaper of general circulation at least 10 days prior to the public hearing and posting in two public places within the Town.

317.5 All notices shall include a general description of the proposal, the applicant's name, the location of the proposal, the date, time and place of the public hearing, and the proposed actions to be taken by the Board.

317.6 Additional notice is not required for additional hearings on a proposal if the date, time and place of the additional hearing was made known at the prior hearing and duly recorded in the official minutes of the same.

317.7 At the Public hearing, any applicant, abutter, holder of conservation, preservation or agricultural preservation restriction, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board.

ARTICLE 320 - APPLICATION SUBMITTAL REQUIREMENTS

Section 321 - General

- 321.1 Prior to formal application for any site plan approval, the applicant is encouraged to meet with the Planning Director to review the proposal.
- 321.2 Any application where abutter notification is required shall be filed at the Planning Board office not less than 15 days before any regularly scheduled meeting.
- 321.3 The Planning Board office shall provide the applicant with a receipt stating the date, time of the application and all fees received, if so requested by the applicant or his/her agent at the time of application delivery.
- 321.4 An application which has been submitted to the Planning Department office for submission to the Board, shall not be supplemented, revised or modified after public notice of hearing has been given, except upon vote of the Planning Board at the hearing.
- 321.5 An application may be withdrawn prior to the hearing, however, all application fees shall be forfeited and the applicant shall remain liable for all consultants' fees incurred prior to withdrawal of the application.
- 321.6 All applications will be scheduled for action by the Board in the order in which they are received.
- 321.7 By filing an application with the Board, the applicant, including all the applicant's agents, consultants and representatives, consents to the review of the application by independent consultants retained by the Board at the applicants expense for the purpose of:
- a. Confirming that the application conforms with applicable state and local requirements; and
 - b. Recommending to the Board any additional studies or investigations and/or information from land surveyors, engineers, architects, attorneys, soil scientists, wetland scientists, or others with expertise in a particular field, and which could facilitate the Board's actions on the application.

321.8 All plans submitted to the Board for review shall be prepared by a Professional Engineer or Land Surveyor, as applicable, who is licensed to practice in the State of New Hampshire.

321.9 Failure to comply with these application procedures or failure to comply with all applicable state and federal laws, ordinances and regulations shall be grounds for disapproval of the application.

Section 322 - Requirements for Conceptual Consultation

322.1 For Conceptual Consultation, an applicant should provide information sufficient for the Planning Board to give meaningful comments.

322.2 Applicant should provide information on how a proposed multi-family or residential development will comply with the terms of the Growth Management Ordinance, and a general schedule for development under the GMO of all land holdings of the applicant or by entities owned or controlled by the applicant.

Section 323 - Requirements for Design Review Phase Submittals

323.1 Presentation requirements:

323.1.1 Scale of all drawings shall be 50 feet to the inch or less for all Design Review Phase submittals, and shall be limited to a sheet size of 22 inches by 34 inches with a one-inch margin on three sides for binding.

323.1.2 Lettering size shall be not less than 1/8 (0.12) inch.

323.1.3 If more than one sheet is necessary to show the entire site at the required scale, and index plan at a scale adequate to show the entire site on one plan sheet shall be provided and shall be drafted so as to create a graphical index of sheets.

323.1.4 All match lines shall be clearly shown and labeled.

323.2 The Design Review Application shall be accompanied by eight (8) copies of the proposed site plan which shall include the following information:

323.2.1 Proposed development name, location, north arrow, scale, and date of preparation.

- 323.2.2 Boundary information prepared from existing deeds and field information. Distances may be shown to the nearest foot and bearings shall be shown to the nearest one-minute. Area of subject parcel(s) in acres and square feet and location and elevation of any flood hazard areas situated on the parcel.
- 323.2.3 Names, addresses and phone numbers of the: Owner(s) of record; Applicant; and Engineer and/or Land Surveyor.
- 323.2.4 Locus map at a scale of 2,000 feet to the inch or less.
- 323.2.5 Abutting lot lines, streets, alleys, easements, parks, public open spaces, and zoning districts. All shall be clearly labeled and Tax Map numbers indicated where applicable. Name and addresses of all abutters shall be included and shall also be submitted on a separate sheet of paper.
- 323.2.6 USDA - SCS soil survey mapping of subject parcel where site is to be served by municipal water and sewer. HISS mapping where served by on site facilities.
- 323.2.7 Location and dimensions of all existing and proposed easements, building setbacks and other restrictions.
- 323.2.8 Existing topography showing surface contours at an interval of two feet or less, watercourses, ponds, standing water, wetlands, rock outcrops and ledges, tree lines, utility poles, buildings, pavement and gravel areas, and other physical features as may be found. Topography shall extend a minimum of 50 feet beyond the parcel boundary.
- 323.2.9 Existing and proposed water mains, sanitary sewers, storm sewers and culverts including size, material and direction of flow.
- 323.2.10 Location and dimensions of existing and proposed buildings and accessory structures. A note shall be provided on the plan which indicates the total gross floor area of each existing and proposed building with a breakdown of the total gross floor area in each building assigned to a particular use. Pedestrian access and service/loading provisions for each building will be identified as applicable.
- 323.2.11 Location and layout of all existing and proposed parking areas, aisles and access drives. Parking calculations based on proposed site use shall be provided.

323.2.12 Preliminary Exterior Lighting and Landscape Plan.

323.2.13 Preliminary Drainage Report and Calculations.

323.2.14 Drainage Plan showing the following: the direction of runoff, both existing and proposed, through the use of arrows; the existing and proposed methods of handling storm water runoff; and the location, elevation and size of all catch basins, storm sewers, culverts, drainage ditches, swales and retention/detention basins.

323.2.15 Preliminary design plans of any proposed off-site improvements.

323.3 The applicant will submit a completed Design Review Application; a completed Design Review Application Checklist; and all required fees.

Section 324 - Requirements for Final Application Phase Submittals

324.1 A complete Final Application for the purposes of these regulations and for the purposes of RSA 676:4, I (c) shall be accompanied by eight (8) copies of the proposed plans, which shall include the following information:

324.1.1 Proposed development name or identifying title, name and address of the owner of record and subdivider, and the name of the consultant(s), date, scale, north point, lot numbers, location map at a scale of 2,000 feet to the inch or less, revision block, surveyor's certifications and plan notes, and Planning Board approval block (located at lower right corner of recordable site plan sheet(s)).

324.1.2 The area of the parcel, street frontage and zoning requirements for minimum lot size and frontage.

324.1.3 Zoning classification(s) of the parcel and the location of any abutting zoning districts or municipal boundaries.

324.1.4 Sufficient data to determine readily the location, bearing and length of all street lines, lot lines, boundary lines and to be able to reproduce such lines upon the ground. All dimensions shall be shown to the hundredths of a foot and bearings to the nearest one second. The error of closure shall not exceed 1 in 10,000. The Final Plat shall show the boundaries of the property, the location and description of all monumentation, a benchmark referencing U.S.G.S. Datum and shall be prepared and shown on a plan(s) and shall be sealed by a Licensed Land Surveyor, unless taken from a reference plan meeting the above requirements. If boundary data taken directly from a reference plan, the registry recording number and title of said plan shall be cited.

324.1.5 Abutting lot lines, streets, alleys, easements, parks, public open spaces and similar relevant facts. Tax map, lot number, owners names and addresses for all abutting parcels matching similar data provided on the abutters list submitted with the application.

324.1.6 Location and elevation of any designated flood hazard areas.

324.1.7 Street lines, building setback lines, pedestrian ways, lot lines, reservations, easements and areas to be dedicated to public use and areas, the title to which are reserved by the developer.

324.1.8 All stipulations and restrictions intended to remain in perpetuity shall be shown on the Final Plat.

324.1.9 A Planning Board approval block with a place for signature and date of approval by the Board shall be placed on each recordable sheet in the lower right hand corner of the sheet. A note shall appear on the project plans indicating:

- a. the total number of sheets in the plan set;
- b. which sheets will be recorded upon approval; and
- c. that the full set of project plans is on file at the Derry Planning Department.

324.1.10 Two-foot contour interval topographical survey data of the subject site and immediate surroundings. This existing conditions survey shall show all existing site improvements on subject site and immediate vicinity. Topographical survey data provided shall be referenced to USGS Datum.

- 324.1.11 High Intensity Soil Survey Mapping (showing soil types and locations) shall be prepared, shown on a plan(s), and shall be sealed by a Certified Soil Scientist, where site is to be served by on site water supply and sewage disposal facilities. USDA - SCS mapping shall be provided where site is to be served by municipal utilities.
- 324.1.12 Wetlands mapping shall be prepared, shown on a plan(s), and shall be sealed by a Certified Wetland Scientist.
- 324.1.13 Location and exterior dimensions and height of existing and proposed buildings and accessory structures.
- 324.1.14 A note on the plan indicating total gross floor area of each existing or proposed building to remain, as well as a breakdown of the total gross floor area for each building by use classification.
- 324.1.15 Access points and service/loading areas for all buildings.
- 324.1.16 Location and layout of all proposed/existing drives, parking areas, fire lanes and walks.
- 324.1.17 Detailed parking calculations.
- 324.1.18 Solid waste storage areas, snow storage areas, traffic control signs and pavement markings.
- 324.1.19 Exterior lighting provisions and details of all proposed lighting fixtures.
- 324.1.20 Landscape design plans and details.
- 324.1.21 A detailed erosion and sedimentation control plan.
- 324.1.22 Commercial signage details and locations.
- 324.1.23 Construction details of all site improvements.
- 324.1.24 A detailed site grading plan.
- 324.1.25 Detailed off-site improvement plans, where applicable.
- 324.1.26 Drainage calculations shall be prepared and sealed by a Licensed Professional Engineer; and drainage improvements shall be shown on a plan(s).

- 324.1.27 Sanitary sewer design calculations shall be prepared, when applicable and sealed by a Licensed Professional Engineer; and sanitary sewer improvements shall be shown on the plan(s).
- 324.1.28 Water distribution design calculations shall be prepared and sealed by a Licensed Professional Engineer; and water distribution system improvements shall be shown on the plan(s).
- 324.1.29 Traffic impact statements (TIS), when required, shall be prepared and sealed by a Licensed Professional Engineer. The scope of a TIS shall be as directed by the Planning Director in conjunction with the Town Engineer.
- 324.1.30 Drawings required with the Final Plat shall be prepared, certified and sealed by a Licensed Professional Engineer and shall include:
- 324.1.30.1 Profiles of all proposed streets, water mains, sewers and open waterways with a horizontal scale of 1 inch to 50 feet, and vertical scale of 1 inch to 5 feet. All elevations shall refer to an established benchmark.
- 324.1.30.2 Drainage, sanitary sewer and water distribution plans subject to the following requirements:
- a. Outlines of streets, lots, easements, etc. as shown on the final plan with distances to the nearest foot;
 - b. Location of all manholes, catch basins, hydrants, structures downstream drainage facilities and utility poles or underground lines and pipes;
 - c. Sizes and type or class of all pipe, including storm sewer, sanitary sewer, water and gas mains and service stubs;
 - d. Location, type and detailed design of special structures or bridges; and
 - e. Proposed tax map and lot number for each lot.
- 324.1.31 Design plans and construction detailed, as applicable for providing fire protection systems complying with the requirements of the Growth Management Ordinance.
- 324.1.32 Copies of all required State and Federal project permits necessary for the subject site development proposal.

324.1.33 A block shall be placed on the cover sheet of each site plan for signatures by: the Public Works Director; Code Enforcement Officer; Derry or East Derry Fire Chief; Conservation Commission Chair; and Police Chief, or their designers. Prior to submission of application, applicant shall review the proposed site plan with each party noted above and obtain said signatures.

324.1.34 A minimum of two boundary corners on each site plan shall be tied to the Town of Derry Geodetic Control Network (Second Order - Class II, NAD 83/92 - NGVD 29).

324.2 Drawing format - All information shown on drawings shall be left to right reading, with the lettering shown in a plane parallel with the bottom edge of the drawing. If dimensions or other data have to be shown in a plane other than parallel with the bottom of the drawing, the lettering placement in all planes shall be such that the information is readable as the drawing is rotated clockwise. The type lettering shown on the drawings shall be vertical uppercase gothic. The size of lettering shall be a minimum of 1/8 (.12) inch high, which shall be used for the majority of information shown on the drawing. Space between adjacent 1/8-inch high characters shall be such as to not exceed a maximum of ten characters to the inch.

324.3 Two copies of the final site plan submitted to the Board for approval and recording at the Registry of Deeds shall be on mylar of a size and quality meeting the requirement of the Register of Deeds. Eight (8) blue or black line copies of all final plans shall also be submitted for signature.

331.2.5 Pedestrian access to all non-residential or multi-family structures shall be provided via paved walkways constructed in a manner consistent with the requirements of the Americans With Disabilities Act (ADA). In cases where non-residential or multi-family developments front on public streets with sidewalks, on site walks also constructed in accordance with the requirements of the ADA, shall be constructed so as to provide safe and convenient pedestrian access to the development.

Article 330 - DESIGN AND CONSTRUCTION STANDARDS

Section 331 - Access and Circulation Requirements

331.1 General requirements for site access.

331.1.1 Each and every property, subject to Planning Board review under these regulations, shall be afforded safe and efficient vehicular and pedestrian access to and from public streets via drives, and where appropriate, sidewalks. The design and construction of all drives and walks providing access to non-residential and/or multi-family residential sites shall be adequate, in the opinion of the Planning Board, to safely accommodate anticipated traffic volumes generated by the proposed development.

331.1.2 Applicants for non-residential and multi-family sites accessed from public streets under the jurisdiction of the New Hampshire Department of Transportation (NHDOT) shall be required to obtain a valid NHDOT Driveway Permit prior to final approval for such development. In cases where a proposed non-residential or multi-family site is to be accessed from a public street under the jurisdiction of the Town of Derry, the applicant shall be required to obtain a local driveway permit from the Derry Public Works Department prior to issuance of a Building Permit for such development.

331.1.3 All access drives to non-residential and multi-family sites shall be afforded sight distance sufficient to fulfill the requirements of Section 232.4 of the Derry Land Development Control Regulations.

331.1.4 All access drives shall be constructed in accordance with the requirements of A Manual On Uniform Traffic Control Devices, latest edition, as published by the U.S. Department of Transportation, Federal Highway Administration.

331.1.5 Sidewalks shall be constructed or maintained along the frontage of non-residential or multi-family sites at locations where the Town of Derry or NHDOT presently maintains sidewalks, where construction of such walks is planned in the future, and at other locations where directed by the Planning Board. All sidewalk construction within public right-of-ways under the jurisdiction of the Town of Derry shall be in accordance with the requirements of Section 232.1.9 of the Derry Land Development Control Regulations. Sidewalk construction within public right-of-ways under the jurisdiction of the NHDOT shall be in accordance with the requirements of the NHDOT.

331.2 General requirements for site circulation.

331.2.1 All non-residential and multi-family structures and associated parking areas shall be afforded access via internal drives having a minimum width of 24-feet.

331.2.2 In general all internal drives shall be constructed and paved in accordance with the same specifications included in Section 332 of these regulations applicable to parking lot construction.

331.2.3 All non-residential and multi-family sites shall be afforded fire lanes and emergency vehicle access sufficient to fulfill the requirements of the Derry or East Derry Fire Department as applicable.

331.2.4 All retail establishments, restaurants, banks and service businesses which offer drive-through facilities shall be equipped with a designated drive through lane for each individual window or piece of equipment intended to serve drive through patrons. Each lane shall be at least 11-feet in pavement width, be striped and signed properly for the intended use and shall be capable of accommodating a minimum of six passenger sized vehicles without blockage of site circulation drives and parking spaces outside of the drive through area.

331.2.5 Pedestrian access to all non-residential or multi-family structures shall be provided via paved walkways constructed in a manner consistent with the requirements of the Americans With Disabilities Act (ADA). In cases where non-residential or multi-family developments front on public streets with sidewalks, on site walks, also constructed in accordance with the requirements of the ADA, shall be constructed so as to provide safe and convenient pedestrian access to the development.

Section 332 - Parking Requirements

332.1 General parking requirements.

- 332.1.1 No non-residential nor multi-family residential site nor structure shall be erected, enlarged, or be subject to a change of use unless such site conforms with off-street parking requirements contained within this section, or an exemption for the same is provided for in the Zoning Ordinance.
- 332.1.2 All on site parking spaces, service or delivery aisles, interior drives, aisles and vehicular access ways shall be setback a minimum of 10-feet from all side and rear property lines and a minimum of 15-feet from all front property lines in all zoning districts of the Town of Derry except within the Central Business District. Within the Central Business District setback dimensions shall be five feet from all property lines.
- 332.1.3 All parking facilities shall be designed and constructed in compliance with all applicable provisions of the Americans With Disabilities Act (ADA).
- 332.1.4 Required off street parking facilities shall be provided on the same lot as the principal use or uses they are intended to serve.
- 332.1.5 All required parking spaces, aisles and drives shall be paved and constructed in accordance with the requirements of this Section.
- 332.1.6 A curbed, raised and landscaped island, a minimum of 15-feet in width, shall be provided where parking spaces, service or delivery aisles, interior drives, aisles and vehicular access ways abut a public street in all zoning districts of the Town of Derry except within the Central Business District. Within the Central Business District, the width of such islands shall be a minimum of 5-feet.
- 332.1.7 A curbed, raised and landscaped island, a minimum of 10-feet in width shall be provided between groupings of twenty or more parking spaces in all Zoning Districts within the Town of Derry.
- 332.1.8 A minimum of 5-percent of the interior area of any proposed parking area and inter-connecting drives and aisles shall be provided as interior landscaped green space in all parking lots containing more than 20-parking spaces.

332.1.9 All parking areas serving non-residential uses shall be illuminated to a minimum of one-half foot candle during hours of operation of said non-residential use.

332.2 Parking Density Requirements.

332.2.1 All non-residential and multi-family residential sites shall provide on-site parking facilities meeting the requirements of this Section.

332.2.2 Where the computation of required parking density results in a fractional number of spaces, the required number of spaces shall be rounded upwards to the nearest whole number (i.e. a computed density of 39.2 or 39.8 spaces results in a requirement for 40 spaces).

332.2.3 In cases where a single site is comprised of varying uses, parking requirements, for each use shall be calculated in accordance with the requirements of this Section and the total number of required on-site parking spaces shall be the sum of requirements for each individual use.

332.2.4 Parking density requirements by use:

- | | |
|--|---|
| a. Multifamily dwellings | 1.25 spaces per bedroom or a minimum of 2 spaces per dwelling unit |
| b. Elderly Housing | 1.5 spaces per dwelling unit |
| c. Hospitals | Three (3) spaces per bed |
| d. Convalescent or Nursing Home | One (1) space per two (2) beds |
| e. Hotel, Motel or Inn | 1.25 spaces per room, plus 1 space per 50 s.f. of function, meeting or conference space |
| f. Retail Store, Shopping Center, Supermarket, Grocery Store or Bank | One (1) space for each two hundred square feet (200 s.f.) of gross floor area |
| g. Service Establishments | One (1) space for each two hundred and fifty square feet (250 s.f.) of gross floor area |

h. Churches, Theaters, and Other Places of Assembly	One (1) space for each three (3) seats
i. Restaurants, Eat-in	One (1) space for each three (3) seats plus one (1) space for each employee of the largest shift
j. Cocktail Lounges in Restaurants, Bars & Nightclubs	One (1) space for each two (2) seats plus one space for each employee of the largest shift.
k. Restaurant, Fast Food or Take Out	One (1) space for each sixty square feet (60 s.f.) of gross floor area, plus one (1) space per employee of the largest shift.
l. Bowling Alley	Four (4) spaces for each alley
m. Day Care Facility	Two (2) spaces for each employee plus appropriate off-street area for drop-off and pickup of children.
n. Funeral Home	Twelve (12) spaces for each chapel
o. Gasoline Station	One (1) space per fueling position plus one (1) space per employee of the largest shift
p. Community Center	One (1) space per one hundred and fifty square feet (150 s.f.) of gross floor area
q. Membership Clubs	One (1) space per one hundred and fifty square feet (150 s.f.) of gross floor area
r. General Offices	One (1) space for each three hundred square feet (300 s.f.) of gross floor area
s. Professional Offices and Medical Clinics	One (1) space per two hundred fifty square feet (250 s.f.) of gross floor area

t. Warehouses	One (1) space per twelve hundred square feet (1200 s.f.) of gross floor area
u. Wholesaling	One (1) space per five hundred square feet (500 s.f.) of gross floor area
v. Manufacturing	One (1) space per five hundred square feet (500 s.f.) of gross floor area
w. Uses not listed	Subject to determination by Planning Board

332.3 DIMENSIONAL REQUIREMENTS

- 332.3.1 Standard parking spaces shall be a minimum of 9-feet wide by 18 feet long.
- 332.3.2 Handicapped parking spaces shall conform with the dimensional requirements of the ADA.
- 332.3.3 Two-way parking aisles shall be a minimum of 24-feet wide. One-way parking aisles shall be a minimum of 18-feet wide.

332.4 CONSTRUCTION REQUIREMENTS

- 332.4.1 All parking spaces shall be striped with white or yellow traffic paint (4" minimum line width).
- 332.4.2 All parking surfaces, aisles and drives shall be paved with a minimum thickness of 3-inches of hot bituminous pavement (2-inch binder course and 1-inch wearing course).
- 332.4.3 All parking pavement shall be placed on a compacted gravel surface consisting of a minimum of 4-inches of crushed gravel placed over a minimum thickness of 8-inches of bank run gravel.

Section 333 - Landscape and Buffering Requirements

333.1 GENERAL REQUIREMENTS

333.1.1 All plant materials required under this Section shall be standard nursery stock, installed in accordance with accepted horticultural standards and be regularly maintained after installation. All plant materials specified on any site plan approved by the Planning Board shall be annually inspected by the owner or owner's agent. Any required plant materials found to be dead or diseased shall be replaced in kind. Failure to complete this requirement may result in a violation of site plan approval.

333.1.2 All areas disturbed by construction shall be covered with a minimum thickness of 4-inches of friable topsoil and be seeded with grass seed, covered with sod or planted with ground cover. In general, establishment of turf shall be limited to those areas that may be regularly maintained as lawn. Ground covers, mulch and other suitable materials shall be applied to areas which are not intended to be regularly maintained as lawn.

333.1.3 Except in the Central Business District, a minimum of one-third of the gross lot area utilized for any non-residential or multi-family development shall be reserved as green space. Areas reserved as green space may be vegetated with grass, landscape plantings, ground covers or native vegetation.

333.2 LANDSCAPE STANDARDS

333.2.1 A street tree strip, 15-feet in width, running parallel to the frontage of any non-residential or multi-family residential property shall be provided in all zoning districts except the Central Business District. In the Central Business District, a street tree strip 5-feet in width is required. Within any street tree strip, a minimum of one indigenous shade tree (such as oak, maple, elm, ash, linden, etc.) with a minimum caliper of 2.5-inches and branching height of not less than 8-feet at the time of planting shall be provided for each 50-feet of street frontage. Street trees shall be planted not closer than 25-feet to one another.

333.2.2 A minimum of one deciduous or ornamental tree, with a minimum caliper diameter of 2.5-inches, per 30-feet of building perimeter shall be planted within the developed portion of any site. Trees shall be located so as to maximize the aesthetic quality of the site.

333.2.3 A minimum of one deciduous or evergreen shrub, with a minimum height and diameter of 18-inches, per two required parking spaces shall be planted within the developed portion of any site. Shrubs shall be located so as to maximize the aesthetic quality of the site.

333.2.4 At least twenty-five percent of trees and shrubs required under this section shall be planted within curbed, raised landscaped islands situated within parking areas or other paved areas of any site.

333.2.5 In order to promote the preservation of mature specimen trees as part of the design and construction of new non-residential and multi-family residential sites, healthy deciduous trees having a diameter of at least eight (8) inches at breast height may be preserved and used to fulfill the minimum tree planting requirements of Section 333.2.2 of these regulations.

333.3 RESIDENTIAL BUFFERING REQUIREMENTS

333.3.1 General Requirements

Unless superceded by more stringent requirements of the Derry Zoning Ordinance, all non-residential and multi-family residential sites, which abut a residential district boundary, or abut a parcel of land containing an existing residential structure situated in any zoning district of the town where such residential structure is currently a permitted use, shall provide for a residential buffer conforming with the requirements of this section. In the event that the Derry Zoning Ordinance provides for buffering requirements more stringent than those required under this section, the requirements of the Zoning Ordinance shall prevail.

333.3.2 RESIDENTIAL BUFFER DIMENSIONS

333.3.2.1 A continuous residential buffer, of a width and composition conforming with the requirements of this Section, shall be provided along and parallel to applicable zoning district boundaries and/or applicable property boundaries separating any parcel used or proposed to be used for any residential or multi-family use except where specifically permitted by the Planning Board.

333.3.2.2 Structures, pavement, utility construction, signage and similar hardscape improvements shall not be permitted to encroach on any residential buffer unless specifically permitted by the Planning Board.

333.3.2.3 Unless superceded by more stringent requirements of the Derry Zoning Ordinance, the minimum required width for all residential buffers shall be equal to the prevailing front, side or rear yard width specified in the Derry Zoning Ordinance for the zoning district within which the subject non-residential or multi-family residential use subject to these buffer requirements is situated.

333.3.2.4 In order to provide maximum opportunity for those seeking to promote non-residential development within the Town of Derry, while maintaining appropriate buffers for the benefit and protection of existing residents, applicants shall be permitted to fulfill the minimum residential buffering requirements of this Section through placement of required buffers on the residential side of zoning district boundaries or common lot lines provided that appropriate landscape easements or ownerships are secured and maintained for this purpose.

333.3.4 DESIGN REQUIREMENTS FOR RESIDENTIAL BUFFERS

333.3.4.1 In general, the design intent for residential buffers shall be to diminish the effects of the more intensive use of non-residential and multi-family sites on abutting residential properties. In order to achieve these goals, applicants of proposed non-residential and multi-family residential sites may select one or more of the following options for development of affective buffering:

a. Retention of Existing Vegetation and Forest Canopy

In cases where existing forest exists along a boundary subject to the residential buffering requirements of this section, existing, healthy forest canopy and associated under story vegetation may be used to fulfill the requirements of this section. In cases where existing vegetation is insufficient to provide for an effective visual screen, the Planning Board may require supplemental landscape plantings for the purposes enhancing the natural buffering capabilities of the native vegetation.

b. Planted Buffer

An applicant may create a treed buffer through the planting of a minimum of two staggered rows of coniferous trees spaced not further than 12-feet on center and not less than eight (8) feet in height at the time of planting. Conversely, coniferous trees at least five (5) feet in height at the time of planting may be placed in a required residential buffer, provided they are planted on an earthen berm at least three (3) feet in height.

c. Use of Fencing

In cases where required residential buffer widths are twenty (20)-feet or less, an applicant may elect to erect a continuous length of solid fencing of a type and style acceptable to the Planning Board. Fencing used to fulfill this requirement shall not be less than six (6) feet in height, nor impede proper sight distances at intersections of driveways and streets. In cases where applicants elect to utilize this option, a minimum of one deciduous or evergreen shrub, with a minimum height and diameter of eighteen (18) inches, shall be planted along the face of said fencing at a spacing not to exceed an average of one (1) shrub per 10-feet of fence.

333.4 SCREENING OF UNSIGHTLY SITE FEATURES

333.4.1 Screening Requirements - General

Refuse storage areas, stockpiled materials and other unsightly materials and objects situated on any non-residential or multi-family residential site subject to review and approval under these regulations shall be located so as to be out of view from abutting properties and public streets where possible. In cases where such positioning is not possible, those items shall be effectively screened. A minimum screening shall be achieved by use of landscape plantings, fencing or enclosures of a height at least as tall as the item or items to be screened.

333.4.2 Screening Requirements for Loading and Receiving Areas

Loading docks and receiving areas shall be situated so as to be out of view from abutting properties and public streets where possible. Where such provisions are not possible, the applicant shall propose a method of screening and buffering acceptable to the Planning Board.

Section 334 - Stormwater Management Requirements

334.1 Storm drainage systems shall be designed using the storm return frequency as follows:

- a. Multi-family residential, commercial and industrial 25 year frequency
- b. Flood protection facilities 50 year frequency

334.2 The peak rate of discharge of storm water runoff from the development under post-development conditions shall not exceed that of the predevelopment conditions unless it can be demonstrated that no off site adverse impact will result or appropriate flowage easements have been secured.

334.3 Drainage calculations submitted shall where appropriate include flow analysis showing the effect of site development on the existing drainage facilities outside of the site boundaries. Where the Board anticipates that additional runoff incident to the development will overload an existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Board shall not approve the site plan until adequate provision is made, at the developer's expense, for the accommodation of downstream drainage improvements.

334.4 All calculations used for the design of the storm drainage system shall be by currently recognized best engineering methods and practices; and shall be stamped by a Licensed Professional Engineer.

334.5 Calculations shall be for both pre-development and post-development conditions and shall include times of concentration, runoff coefficients or curve number, maximum rate of runoff, total amount of runoff, storm sewer and drainage ditch sizing, culvert sizing, retention/detention facility sizing, and other information as may be required by the Board or Town Engineer.

334.6 All storm sewers shall be designed to have a minimum flow velocity of 2-feet per second and a maximum flow velocity of 12 feet per second based on calculated design flow and corresponding to the applicable return frequency design storm.

334.7 All open ditches and swales shall be designed to have a maximum flow velocity of 10 feet per second. All open ditches and swales shall be designed in accordance with Design of Stable Channels With Flexible Linings, Hydraulic Engineering Circular No. 15, published by the U.S. Department of Transportation, October 1975.

334.8 Suitable methods and calculations shall be used to design erosion control methods for use with all storm drainage systems. Such methods shall include but not be limited to: head walls or end sections for all inlets and outlets, bedded rip rap for drainage ditches that exceed a flow velocity of 2.5 feet per second, slope mattresses and revegetation.

334.9 Minimum pipe size shall be 12 inches in diameter for privately maintained storm drainage systems and 15 inches in diameter for publicly maintained storm drainage systems. The minimum depth of cover from the road or ground surface to the crown of the pipe shall be not less than 3 feet.

334.10 All storm drains shall be constructed with reinforced concrete or high-density polyethylene pipe unless otherwise approved by the Planning Board.

Section 335 - Utility Construction Requirements

335.1 SANITARY SEWER CONSTRUCTION

335.1.1 Where municipal sewer is available, all proposed non-residential or multi-family residential sites shall be expected to connect to the same. In areas where municipal sewer is not available, an on-site subsurface sewage disposal system may be designed and constructed as long as said design and construction fully complies with all applicable requirements of the New Hampshire Code of Administrative Rules; and the applicant has secured appropriate permits for the same from the New Hampshire Department of Environmental Services.

335.1.2 Where a connection to municipal sewer is proposed, such construction shall be subject to the following requirements:

335.1.2.1 All Sanitary sewers shall conform to Section WS 1008.01, WS 1008.02 and WS 1008.03 of the New Hampshire Code of Administrative Rules, latest edition and to the current Town of Derry Construction requirements for sanitary sewers.

335.1.2.2 The applicant shall provide written copies of all state approvals for the proposed sanitary sewer system.

335.1.2.3 Calculations shall be performed for all new sanitary sewers and shall include flow analysis showing the effect of the proposed sewer on the existing system outside the area of the development. All sanitary sewers shall be designed based on the New Hampshire Code of Administrative Rules - Standards of Design for Sewerage and Water Treatment Systems with the following exceptions:

- a. The minimum slope for 8-inch sewer shall be not less than 0.005 feet per foot;
- b. Sanitary sewer services shall be a minimum of 6-inch diameter and shall have a minimum slope of 0.01 feet per foot;
- c. Manholes shall be spaced no more than 300 feet apart; and
- d. Sanitary sewer and manholes shall be constructed of materials as specified in the Town of Derry Construction Requirements for Sanitary Sewer, latest edition.

335.1.2.4 If it is determined that a proposed sanitary sewer may be extended in the future, the future capacity shall be calculated and used to determine the design diameter and slope of sewer mains.

335.2 WATER SUPPLY

335.2.1 Where municipal water supply is available, all proposed non-residential or multi-family residential sites shall be expected to connect to the same. In areas where municipal water is not available, on site wells may be used to develop an appropriate water supply provided that said construction fully complies with all applicable requirements of the New Hampshire Code of Administrative Rules; and the applicant has received all required permits from the New Hampshire Department of Environmental Services.

335.2.2 Where a connection to municipal water is proposed, such construction shall be subject to the following requirements:

335.2.2.1 Minimum soil cover over water mains shall be 5-feet to prevent damage from freezing.

335.2.2.2 Prior to extending the Town of Derry Water System, the applicant shall meet with the Public Works Department to determine the design requirements necessary for a particular project. The applicant shall provide calculations demonstrating that proposed and existing water supply systems meet the requirements of the latest edition of the Town of Derry Construction Requirements for Water Main and have been approved by the Public Works Department.

335.2.2.3 Hydrants shall be located where required by the Derry or East Derry Fire Department as applicable. Each proposed hydrant shall be capable of delivering adequate flow as verified by the Derry Public Works Department.

335.3 OTHER UTILITIES

335.3.1 All proposed on-site utilities (electric, telephone, cable T.V., etc.) shall be installed underground in accordance with the specifications of the individual utility companies involved and in accordance with all applicable local codes, unless otherwise permitted by the Planning Board.

Section 336 - General Site Design Requirements

336.1 EXTERIOR LIGHTING PROVISIONS

336.1.1 All non-residential and multi-family residential site design plans presented to the Planning Board for approval shall include a lighting plan which provides for a method and level of lighting appropriate for the proposed use or uses as determined by the Planning Board. All such lighting plans shall, as a minimum, identify the location, number, height, type and intensity of all exterior lighting fixtures to be installed.

336.1.2 Unless otherwise approved by the Planning Board all pole mounted lighting fixtures shall be fed electricity by the use of underground electrical lines installed in accordance with applicable electrical code.

336.1.3 Proposed exterior lighting fixtures shall provide for a level of illumination appropriate for the proposed use or uses. Illumination patterns proposed shall be such that all sites subject to these regulations will enjoy an adequate level of lighting to insure user safety and security. However, care shall be taken to avoid lighting patterns and intensities which "over light" a site, creating nuisance and glare at abutting properties, public streets and the neighborhood in general. All lighting plans shall be subject to review and approval by the Planning Board. No changes or modifications in approved lighting plans may be proposed without the specific approval of the Board.

336.2 Solid Waste Storage Provisions

336.2.1 All solid waste storage areas shall be situated and where necessary, screened in order to conform with the requirements of Section 333.4.1 of these regulations and shall be located a minimum of 25-feet from any boundary line of a site.

336.2.2 In recognition of the fact that varying non-residential uses often produce waste, which must be temporarily stored on site until the time of disposal, of varying type and quantity, provisions for adequate storage shall be reviewed by the Planning Board on a case by case basis. In general, the Planning Board shall:

- a. Require applicants to disclose anticipated volumes and types of wastes to be produced by their proposed uses;
- b. Find that the applicants' proposal for storage and disposal of waste conforms with any and all applicable local, state and federal requirements;
- c. Find that the applicants proposal for storage and disposal of waste has incorporated reasonable safeguards insuring that such wastes will not become an undue threat to the environment nor create a public nuisance; and
- d. Where applicable, conform with the Town of Derry's Recycling Ordinance.

336.3 SNOW STORAGE PROVISIONS

336.3.1 All site plans presented to the Planning Board for approval shall identify an area or areas of sufficient size and composition to allow for safe and convenient storage of snow volumes anticipated to be provided by winter site maintenance, or include a note indicating that snow is to be removed from the site.

336.3.2 Snow storage areas shall not be specified at locations where: accumulated volumes of snow will produce a visual nuisance or impede proper lines of sight; inevitable snow melt will create a nuisance on-site or to abutters; inevitable snow melt will result in the flow of water onto a public street. Snow shall not be stored in areas of jurisdictional wetland nor in parking spaces, aisles, fire lanes, access drives nor other areas of a site where accumulated snow volumes would prevent proper use of a site in terms of these regulations or in the judgment of the Planning Board.

336.4 COMMERCIAL SIGNAGE PROVISIONS

Each site plan presented to the Planning Board for approval shall identify all proposed commercial signage and successfully demonstrate that the same fully complies with the requirements of the Derry Zoning Ordinance.

336.5 EROSION AND SEDIMENTATION CONTROL PROVISIONS

Each site plan presented to the Planning Board for approval shall include an erosion and sedimentation control plan which identifies a series of effective temporary and permanent best management practices for prevention and/or minimization of soil erosion during and after site construction. In general all erosion and sedimentation control plans shall be developed in accordance with the recommendations contained in a publication entitled Stormwater Management and Erosion and Sedimentation Control Handbook for Urban and Developing Areas in New Hampshire; dated August, 1992; and published by the New Hampshire Department of Environmental Services, in conjunction with the Rockingham County Conservation District and the USDA Soil Conservation Service.

336.6 PROHIBITION AND MITIGATION OF OFFENSIVE USES

Applicants seeking non-residential or multi-family residential site plan approval under these regulations shall disclose any proposed use of that site which has the potential to be deemed an "offensive use", as defined in Article 300 - Section 310 of the Derry Zoning Ordinance. No site plan shall be permitted by the Planning Board until the applicant has demonstrated to the satisfaction of the Planning Board that the proposed use or uses of that site will not be deemed "offensive". In cases where a proposed use or uses of a site have the potential to cause an "offensive use", the Planning Board may require an applicant to install appropriate mitigative safeguards and/or implement Best Management Practices to prevent the proposed use or uses from being deemed "offensive" and hence be prohibited under the Zoning Ordinance.

Section 337 - Special Flood Hazard Areas

337.1 All development proposals which contain lands designated as Special Flood Hazard Area by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the Town of Derry, NH" together with the associated Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps dated April 15, 1982, shall meet the requirements of this Section.

337.2 The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

337.3 The Planning Board shall require that the development proposals include within such proposals base flood elevation data, if applicable.

337.4 Sufficient evidence (construction, drawings, grading and land treatment plans) shall be submitted so as to allow a determination that:

- a. All such proposals are consistent with the need to minimize flood hazards;
- b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.

337.5 In order to obtain the approval of the Planning Board, the applicant must affirmatively demonstrate to the Board, by a preponderance of the credible evidence presented at a public meeting or meetings, that all the requirements of this section have been met and that the procedures set forth in these regulations have been followed.

337.6 No development which requires approval by the Board will be permitted in the Conservation Corridor Overlay District (as defined in the Derry Zoning Ordinance), unless applicant has applied for and received a special exception under the provisions of Article 800 - Section 805 of the Zoning Ordinance; and has demonstrated that there will be no impairment of the absorptive capacity of the wetlands within the Conservation Corridor Overlay District as defined by the Town of Derry Zoning Ordinance, that flood water elevations will not be increased, and that there will be no harm caused to wildlife.

Article 340 - PERFORMANCE GUARANTEES AND PROCEDURES

Section 341 - General Provisions

Before final approval is recorded at the Registry of Deeds, the applicant must file a performance guarantee, in an amount and form acceptable to the town, to serve as a surety that all proposed improvements within public streets; that may be a part of municipal stormwater and/or utility systems; and proper erosion and sedimentation control measures are completed in accordance with the approved plans.

Section 342 - Performance Guarantee Requirements and Procedures

342.1 Any performance guarantee shall be approved as to form and amount by the Town of Derry, and conditioned on the completion of such improvements within two years of the date of the performance guarantee unless released earlier by a vote of the Board upon request of the developer. Guidelines, procedures and requirements for establishing performance guarantees are more specifically outlined in the "Development Project Escrow Workbook" of the Town of Derry appended to these regulations.

342.2 The applicant shall construct and pay for all temporary improvements, such as erosion and sedimentation control measures and temporary infrastructure improvements, required by the Board, and shall maintain those improvements for the period of the performance guarantee or the date that the Town releases all securities whichever date comes earlier.

342.3 If improvements for which security is given are not completed within the period specified in the performance security, nor in proper conformance with the approved plans, the Board may vote to complete the improvements and withdraw the necessary funds from the balance of any such security in accordance with the term of security.

Section 343 - Inspection Requirements

In order to confirm that various items and features delineated on plans presented to the Planning Board for approval (or which are otherwise required in connection with the development), are, in fact, constructed in accordance with those plans and/or in accordance with applicable codes and standards, the Planning Board may, at the time of plan approval, require the applicant to establish an appropriate escrow, or other security, in addition to the Performance Guarantee Designated in Section 342 herein, acceptable to the Planning Board, which will be used by the Town of Derry as security for retention of appropriate engineers or other consultants to confirm that construction is in conformance with the approved plans and/or applicable codes and standards. The applicant shall reimburse the town for the cost of such engineers or consultants, prior to release of said security. Specific details and procedures concerning construction-monitoring requirements are as contained in the "Site Development Construction Monitoring" and "Offsite Development Construction Monitoring" workbooks appended to these regulations.

Section 344 - As-Built Plan Requirements

In order to provide a permanent record of the locations, dimensions and characteristics of various items and features, delineated on plans presented to the Planning Board for approval (or which are otherwise required in connection with the development), the Planning Board shall require the applicant to provide "as built" drawings, sealed by a Licensed Professional Engineer, or Licensed Land Surveyor, prior to the final release of performance guarantee: pertaining to such items. As-Built Plan Requirements and content shall conform with applicable standards established by the Public Works Department.

Section 345 - Release of Performance Guarantees

- 345.1 Performance guarantees shall not be released until a Licensed Land Surveyor has certified that the boundary monuments have been set.
- 345.2 As phases or portions of the secured improvements or installations are completed and approved by the Planning Board, the Board may partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations, provided, however, that the Planning Board shall establish a reasonable retainage sufficient to repair or complete any such improvement on account of damage or determination caused by or on account of the completion of the project.

345.3 The security posted by the applicant may, upon request of the applicant, be released to the extent of improvements completed, as certified by the Town's inspecting engineer.

Article 350 - ADMINISTRATION AND ENFORCEMENT

Section 351 - General Requirements

351.1 All construction within new developments shall be performed in accordance with the plans, profiles, typical sections and details approved by the Board and the requirements contained therein.

351.2 Minor changes or revisions to said plans, profiles, typical sections and details caused by unanticipated conditions encountered during construction shall be designed by the applicant's engineer and shall be subject to the written approval of the Town Engineer with concurrent notice to the Planning Director prior to such approval being given. Major changes or revisions to any plan previously approved by the Planning Board which involve material alterations in the work, or involve discretionary judgment powers generally reserved for the Planning Board under these regulations or applicable statutory provisions, shall be made only upon receipt of approval from the Derry Planning Board. Those contemplating a change or revision to approved project plans shall contact the Planning Director and Town Engineer regarding the proposed change. The Planning Director, in consultation with the Town Engineer, shall render an opinion as to whether a contemplated change is deemed to be a major or minor revision.

351.3 Executed and recordable instruments of conveyance shall be delivered to the Town conveying land to be used for public purposes, easements and rights-of-ways over property to remain in private ownership, and rights of drainage across private property shall be submitted in a form satisfactory to the Town's attorney.

351.4 No occupancy permits shall be granted for any structure until all work shown on an approved site plan is complete to the satisfaction of the Town Engineer and Planning Director. However, in certain cases, for good cause and reason, a temporary certificate of occupancy may be granted for a site provided the owner provides a performance guarantee to the town, in an amount and form acceptable to the town, to serve as a surety that remaining improvements not yet completed or begun will be satisfactorily completed within a predetermined time period. Nothing herein should be deemed to bind the building inspector, who shall have the final determination as to whether a certificate of occupancy shall be issued.

Section 352 - Construction Specifications

All items of work shall be constructed in conformance with all codes, ordinances, specifications and regulations adopted by the Town. Any item of work for which there are no specifications contained herein shall conform to "Specifications For Road and Bridge Construction" of the State of New Hampshire Department of Transportation, latest edition.

Section 353 - Construction Monitoring and Inspection

All construction within new developments shall follow the procedures as set forth in the Site Development Construction Monitoring procedures and checklist, published by the Derry Department of Public Works, latest edition.

Section 354 - Violations and Penalties

Penalties-Any violation of these regulations shall be subject to the penalties as provided for in RSA 676:17, as amended. Each day the violation continues shall constitute a new violation.

Section 355 - Active and Substantial Development and Building

In approving any application, the Planning Board may specify the threshold level of work which shall constitute "active and substantial development and building" for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39. Active and substantial development, in the absence of the specific finding of the Planning Board, shall mean a level of construction sufficient to cause eligibility for certificates of occupancy for structures on those lots as to which RSA 674:39 exemption is or will be claimed under the provisions of Section 351.4 of these regulations.

Section 356 - Substantial Completion

Substantial completion of project improvements, unless otherwise specified by the Planning Board in connection with a site plan approval, shall include the improvement of all on-site and off-site improvements specified on the approved site plan, except for those improvements which are specifically deferred by recorded vote of the Planning Board prior to the expiration of the four year period specified in RSA 674:39. To the extent that the Planning Board calls a bond or other security for such improvements and the funds are paid to the Town, substantial completion of the improvements on the site plan shall be deemed to have occurred.

Appendix 'A' - APPLICATION FORMS AND PROCEDURES

1. Whenever any subdivision is proposed and before any contract for the sale of, or any offer to sell such subdivisions or any part thereof shall have been negotiated, and before any application for a permit for the erection of any structure thereon shall be made, the owner or his authorized agent shall apply in writing to the Planning Board for approval of such subdivision.
2. Application for approval where abutter notification is required shall be filed at the Planning Board office who shall furnish the applicant with a receipt stating the date, time and all fees received. Abutter notification shall be required for Design Review Phase and Final Phase, Subdivision and Site Plan Review Applications per RSA 676:4, I (d).
3. All applications for Design Review and Final Phase Subdivision and Site Plan Review by the Board shall be made in writing by the owner of the property or his authorized agent, and shall include the following:
 - a. Application Form - Exhibit A
 - b. Submission Checklist - Exhibit B1, B2, B3, or B4; and Exhibit C1, C2 or C3 as applicable.
 - c. Checks for all fees required for submission
 1. Application and Notice to Abutter's fees payable to the "Town of Derry"
 2. Plan Review fee payable to "Derry Planning Dept. - Plan Review"
 - d. Complete abutter's list, containing the names and mailing addresses of those to receive notice under RSA 676:4, I (d).
 - e. Plans, calculations, reports and information as specified in these Regulations. All plans, calculations and reports shall be submitted in bound sets.
 - f. Complete list of any Land Development Control Regulations (LDCR) for which the applicant is seeking a waiver, with a comprehensive written explanation of the basis for any such waiver.
 - g. Written, signed and notarized appointment of any agent to appear before the Planning Board if the owner is not to be present at public hearings.
 - h. Comprehensive written summary of any agreement established between the applicant and any Town body, official or employee on which the applicant intends to rely, and countersigned by such body, official or employee. The foregoing summary is for Planning Board information and is not binding on the Planning Board.
 - i. Other information which may be required under applicable sections of the LDCR to constitute a complete application.

The owner, or authorized agent, shall complete the application form and shall execute under oath the affirmation thereon.

Failure to comply with these application procedures and/or failure to comply with all applicable laws, ordinances and regulations shall be grounds for summary disapproval of the application.

4. After the application has been submitted to the Planning Board office, such application shall not be supplemented, amended or modified except at the request, or with the permission of the Planning Director. Notwithstanding the foregoing, the application may be withdrawn prior to the first public hearing; however, all application fees shall be forfeited and the applicant shall remain liable for all consultants' fees incurred prior to withdrawal of the application.
5. The scheduled date for consideration by the Planning Board listed on the Submission Checklists (Exhibit B1, B2, B3 or B4) by the Board's administrative staff is an estimate only. All applications will be dealt with in the order in which they are received. The applicant and/or agent will be notified of any required rescheduling.
6. The applicant shall be familiar with the current Master Plan for the Town of Derry.
7. By filing an application with the Board, the applicant (including all of the applicant's agents, consultants and representatives) consents to the review of the application and all associated materials by an independent consultant(s) retained by the Planning Board for the purpose of:
 - a. Confirming that all materials submitted by the applicant conforms with applicable laws, ordinances, regulations and requirements; and
 - b. Recommending to the Planning Board any additional studies, investigations and/or information which could facilitate the Board's determination that the proposed development:
 1. Would not involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection or other public services, or necessitate the excessive expenditure of public funds for the supply of such property:

2. Which would tend to create conditions favorable to health, municipal safety, convenience and prosperity; all in accordance with good planning and development practices. Such consultants may include Land Surveyors, Engineers, Architects, Attorneys, Soil Scientists, Wetland Scientist or others who may have expertise in particular fields related to the application.

FEE SCHEDULE FOR PLAN REVIEW - The following fees shall be paid at the time of application for review by the Board:

TYPE OF REVIEW	*PLANNING BOARD APPLICATION FEE	OUTSIDE CONSULTANT FEE
Subdivision	\$20 per lot	\$40/lot (Min \$300)
Site Plan - Multi-Family	\$100	\$40/unit (Min \$450)
Site Plan -Comm/Ind	\$100	\$450/acre or, fraction of an acre
Other	To be determined by the Planning Board.	To be determined by the Planning Board.

The Outside Consultant Fee shall not apply to Land Transfers or Lot Consolidations.

*** PLUS ABUTTER NOTIFICATION FEES**

The owner/s of every parcel that is the subject of the PB review, shall be present at all public hearings related to such review. Alternatively, the owner(s) may appoint an agent, by means of a written, signed and notarized authorization, to act for and on behalf of the owner/s at such public hearings; however, such authorization must afford the agent the full power to make all decisions and commitments with respect to the PB review of the proposed development which the owner/s could make if personally present.

The application and related materials shall be prepared, certified and submitted to the PB by a Land Surveyor, Engineer, Architect, or other professional/s as applicable, within their area of professional expertise. By way of example, but not limited to, the following items shall be prepared as follows:

- Boundary locations and monumentation shall be prepared, shown on a plan/s and shall be certified and sealed by a Licensed Land Surveyor;
- Topography shall be prepared, shown on a plan/s and shall be certified and sealed by a Licensed Land Surveyor;

- c. High Intensity Soil Survey information (showing soil types and locations) shall be prepared, shown on a plan/s and shall be certified by a Certified Soil Scientist;
- d. Wetland information shall be prepared, shown on a plan/s and shall be certified by a Certified Wetland Scientist;
- e. Drainage calculations shall be prepared, certified and sealed by a Licensed Professional Engineer and drainage improvements shall be shown on a plan/s;
- f. Traffic Impact statements shall be prepared and certified by a Licensed Professional Engineer;
- g. Road designs shall be prepared, shown on a plan/s and certified and sealed by a Licensed Professional Engineer.
- h. State Plane Coordinates shall be shown on final plans and a diskette provided to the GIS Coordinator at the Derry Public Works Department.

The Planning Board may, for good cause, waive one or more of the foregoing.

All plans shall be submitted in bound sets (rolled, not folded please).

Each applicant shall execute and submit Application Checklist Form C1, C2 or C3 as applicable. Note that each checklist form includes a generalized recitation of required submission information. The purpose of these checklists is to serve as a guide to those making an application to the Derry Planning Board only. In order for any application to be deemed complete under the Land Development Control Regulations, that the application must include all information noted as required under applicable sections of the Land Development Control Regulations (see Article 220 of the Subdivision Regulations and/or Article 320 of the Site Plan Regulations).

APPLICATION FOR

EXHIBIT A

Subdivision- Subdivision- Site Plan- Site Plan-
Design Review Phase Final Phase Design Review Phase Final Phase

TAX MAP _____ PARCEL _____ # OF LOTS _____

LOCATION _____

OWNER: Name: _____ APPLICANT: _____

Address: _____

Telephone: _____

LAND SURVEYOR/ENGINEER/ARCHITECT:

Name: _____

Address: _____ Tel: _____

Affirmation by Owner or Authorized Agent:

I, _____, do hereby depose, affirm and say under oath, to the best of my knowledge and belief, that this application and all related materials attached hereto conform in each and every respect with all laws, ordinances and regulations, that I have personally completed the applicable checklist attached hereto (recognizing that the checklist is merely a summary of the highlights of some of the applicable regulations and is not intended to be all inclusive); that this application and all related materials and information have been prepared in accordance with the recognized professional standards; and that all information called for in the ordinances, regulations and checklist is attached hereto. I recognize that failure to comply with these application procedures and/or failure to comply with all applicable laws, ordinances and regulations shall be grounds for summary disapproval of the application.

(Date) (Signature)

State of New Hampshire

County of Rockingham, S.S.

On this the _____ day of _____, _____ personally appeared before me _____ who under oath administered by me did execute, of his own free will, the foregoing affirmation.

(Notary Public-Justice of The Peace)
My commission expires:

DESIGN REVIEW PHASE SUBMISSION - SUBDIVISION

EXHIBIT B1

DATE _____ OWNER _____

AUTHORIZED AGENT _____ RECEIVED OF _____

LOCATION _____ TAX MAP _____
(Map & Lot)

PROPOSAL _____

REQUIRED

8 Prints (Bound) _____

REQUIRED

1 Abutter's List & Mailing Labels _____

FEES:

Number of Lots X N/A = \$ _____

Number of Abutters X \$2.44 = \$ _____

Notification of 9 Towns X \$2.44 = \$21.96

SUBTOTAL \$ _____

Plan Review Fee (if required) = \$ _____

TOTAL CHARGES = \$ _____

DATE PAID _____

by _____
DERRY PLANNING BOARD OFFICE

SCHEDULED FOR _____ (Tentatively)

FINAL APPLICATION PHASE SUBMISSION - SUBDIVISION

EXHIBIT B2

DATE _____ OWNER _____

AUTHORIZED AGENT _____ RECEIVED OF _____

LOCATION _____ TAX MAP _____
(Map & Lot)

PROPOSAL _____

<u>REQUIRED</u>		<u>REQUIRED</u>
1 Mylar Original _____	1 Mylar Repro _____	8 Prints (Bound) _____
1 Digital Disk _____	1 Abutter's List & Mailing Labels _____	

FEES:

Number of Lots X \$20.00 = \$ _____

Number of Abutters X \$2.44 = \$ _____

Notification of 9 Towns X \$2.44 = \$21.96 _____

SUBTOTAL \$ _____

Plan Review Fee (if required) = \$ _____

TOTAL CHARGES = \$ _____

DATE PAID _____

by _____

DERRY PLANNING BOARD OFFICE

SCHEDULED FOR _____ (Tentatively)

DESIGN REVIEW PHASE SUBMISSION - SITE PLAN REVIEW

EXHIBIT B3

DATE _____ OWNER _____

AUTHORIZED AGENT _____ RECEIVED OF _____

LOCATION _____ TAX MAP _____

(Map & Lot)

PROPOSAL _____

REQUIREDREQUIRED

1 Mylar Original _____ 1 Mylar Repro _____ 8 Prints (Bound) _____
1 Abutter's List & Mailing Labels _____

FEES:

Number of Lots X N/A = \$ _____

Number of Abutters X \$2.44 = \$ _____

Notification of 9 Towns X \$2.44 = \$21.96

SUBTOTAL \$ _____

Plan Review Fee (if required) = \$ _____

TOTAL CHARGES = \$ _____

DATE PAID _____

by _____

DERRY PLANNING BOARD OFFICE

SCHEDULED FOR _____ (Tentatively)

FINAL APPLICATION PHASE SUBMISSION - SITE PLAN REVIEW

EXHIBIT B4

DATE _____ OWNER _____

AUTHORIZED AGENT _____ RECEIVED OF _____

LOCATION _____ TAX MAP _____
(Map & Lot)

PROPOSAL _____

<u>REQUIRED</u>		<u>REQUIRED</u>
1 Mylar Original _____	1 Mylar Repro _____	8 Prints (Bound) _____
1 Abutter's List & Mailing Labels _____		

FEES:

Number of Lots X \$100.00 = \$ _____

Number of Abutters X \$2.44 = \$ _____

Notification of 9 Towns X \$2.44 = \$21.96

SUBTOTAL \$ _____

Plan Review Fee (if required) = \$ _____

TOTAL CHARGES = \$ _____

DATE PAID _____

by _____
DERRY PLANNING BOARD OFFICE

SCHEDULED FOR _____ (Tentatively)

DESIGN REVIEW PHASE SUBDIVISION APPLICATION CHECKLIST

EXHIBIT C1

DATE OF SUBMISSION _____ PARCEL _____ (Map & Lot)

LOCATION _____ PROPOSAL _____

[PLEASE PRINT]

OWNER'S NAME _____ ADDRESS _____

APPLICANT'S NAME _____ ADDRESS _____
(If Different Than Owner)

AUTHORIZED AGENT _____ ADDRESS _____

(Please ☒)

- ☐ Parcel Boundaries
☐ Scale
☐ Locus
☐ North Point
☐ Lot Numbers (See Tax Assessor)

- ☐ Lot Boundaries
☐ Zone
☐ House Numbers (See Fire Department)
☐ Monumentation
☐ Title Block (See Lower Right Hand Corner)

Abutter Information:

Tax Lot Numbers _____ Wells _____

Buildings, Easements _____ Septic Systems _____

=====	
	Street Names _____
STREETS	_____ Road Profile - (Proposed/New) _____ Stopping Sight Distances _____
	_____ Road Profile - (Existing) _____ Stopping Sight Distances _____ Road Class _____
	_____ Driveway Locations _____ Stopping Sight Distances _____
	_____ Curbs & Sidewalks _____
	_____ Easements (Dimensions) _____
LOTS	_____ Lot Area (Sq. Ft. & Acreage) _____
	_____ Soil Type Boundaries Certified by a Soil Scientist on Plan _____
	_____ Percolation Test Locations/Data _____
	_____ Lot Size Calculations _____
DRAINAGE	_____ Drainage Calc. (Preliminary) _____
	_____ Watercourses _____
	_____ Water & Sewer Mains _____
	_____ Catch Basin Locations _____
	_____ Easements (Dimensions) _____
MISC	_____ Flood Plain/Conservation Corridor _____
	_____ Public Dedication of Land _____
	_____ Waivers (If Any Requested) _____
	_____ Impact Reports (See LDCR) _____

Prepared by _____ Date _____

FINAL APPLICATION PHASE SUBDIVISION APPLICATION CHECKLIST

EXHIBIT C2

DATE OF SUBMISSION _____ PARCEL _____ (Map & Lot)

LOCATION _____ PROPOSAL _____

[PLEASE PRINT]

OWNER'S NAME _____ ADDRESS _____

APPLICANT'S NAME _____ ADDRESS _____

(If Different Than Owner)

AUTHORIZED AGENT _____ ADDRESS _____

(Please ☒)

<input type="checkbox"/> Parcel Boundaries	<input type="checkbox"/> Lot Boundaries
<input type="checkbox"/> Scale	<input type="checkbox"/> Zone
<input type="checkbox"/> Locus	<input type="checkbox"/> House Numbers (See Fire Department)
<input type="checkbox"/> North Point	<input type="checkbox"/> Monumentation
<input type="checkbox"/> Lot Numbers (See Tax Assessor)	<input type="checkbox"/> Title & Approval Block (Lower Right Hand Corner Required)
<input type="checkbox"/> Surveyor's Cert & Seal	<input type="checkbox"/> Error of Closure
<input type="checkbox"/> Owner's Signature	<input type="checkbox"/> State Subdivision Approval
<input type="checkbox"/> State Plane Coordinates (Provide Diskette to GIS Coordinator, P.W. Dept.)	

Abutter Information:

Tax Lot #'s _____ Wells _____ Bldgs _____ Easements _____ Septic Systems _____

=====	
STREETS	_____ Street Names
	_____ Road Profile - (Proposed/New) *(Including R.O.W.'s)
	_____ Road Profile - (Existing) _____ Road Class
	_____ P.E. Stamp
	_____ Curbs & Sidewalks
LOTS	_____ Easements (Dimensions)
	_____ Lot Area (Sq. Ft., Acreage, & Monumentation)
	_____ Bearings & Radii
DRAINAGE	_____ Existing Buildings
	_____ Edges of Wet Areas _____ Watercourses _____ Flood Plain/Conserv. Corr.
	_____ Drainage Calculations
	_____ Water & Sewer Mains _____ Catch Basin Locations
	_____ Bridge & Culvert Design
MISC	_____ Easements (Dimensions)
	_____ Public Dedication Statement
	_____ Copies of All Applications for 3 rd Party Approvals
	_____ Impact Reports (See LDCR)
	_____ Current Use Status (See Tax Assessor)
_____ 5 Town Admin. Signatures or Responses	

Prepared by _____ Date _____

SITE PLAN APPLICATION CHECKLIST (DESIGN AND FINAL APPLICATION PHASES)

EXHIBIT C3

DATE OF SUBMISSION _____ PARCEL _____ (Map & Lot)

LOCATION _____ PROPOSAL _____

[PLEASE PRINT]

OWNER'S NAME _____ ADDRESS _____

APPLICANT'S NAME _____ ADDRESS _____
(If Different Than Owner)

AUTHORIZED AGENT _____ ADDRESS _____

(Please ☒)

- ☐ Parcel Boundaries
- ☐ Scale
- ☐ Locus
- ☐ North Point
- ☐ Lot Numbers (See Tax Assessor)
- ☐ Surveyor's Cert & Seal
- ☐ Owner's Signature

- ☐ Lot Boundaries
- ☐ Zone
- ☐ House Numbers (See Fire Department)
- ☐ Monumentation
- ☐ Title & Approval Block (Lower Right Hand Corner Required)
- ☐ Error of Closure
- ☐ State Subdivision Approval

Abutter Information:

Tax Lot #'s _____ Wells _____ Bldgs _____ Easements _____ Septic Systems _____

=====

- STREETS**
 - _____ Proposed Use
 - _____ Zoning Classification
 - _____ Street Widths
 - _____ Rights of Ways
 - _____ Road Profiles
 - _____ Existing Classification
 - _____ Driveway Locations
 - _____ Parking/Paving
 - _____ Proposed Contours
 - _____ Curbs & Sidewalks
 - _____ Easements (Bearings & Distances)
 - _____ On-Site Traffic Flow
- DRAINAGE**
 - _____ Drainage Calc. (P.E. Stamp on Plan)
 - _____ Edges of Wet Areas
 - _____ Watercourses
 - _____ Water & Sewer Mains
 - _____ Catch Basin Locations
 - _____ Flood Plain/Conservation Corridor
 - _____ Easements (Bearings/Distances)

- SITE**
 - _____ Lot Area (S.F.)
 - _____ Bearings & Radii
 - _____ Topography (w/Soil Types)
 - _____ Exist/Proposed Buildings
 - _____ Setbacks
 - _____ Signage (w/Details)
 - _____ Exterior Light (w/Details)
 - _____ Landscaping (w/Details)
 - _____ Building Elevations

- MISC.**
 - _____ Impact Reports (See LDCR)
 - _____ Current Use Status (See Tax Assessor)
 - _____ 5 Town Admin Signatures or Responses
 - _____ Copies of all Applications for 3rd Party Approvals

Prepared by _____ Date _____

Appendix 'B' - DEVELOPMENT PROJECT ESCROW WORKBOOK

This booklet is intended to provide the information necessary for establishing and maintaining a development project escrow fund. It is designed to be used by the Planning Board and the Finance Committee in order to establish a development project escrow fund. The booklet is intended to be used by the Planning Board and the Finance Committee in order to establish a development project escrow fund.

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• Project Improvement Guarantee Summary Sheet	
• IRS Form W-9	
• Improvement Guarantee Escrow Release Forms	
• Improvement Guarantee Worksheet	
• Site Work Costs	

Introduction

This booklet is intended to provide the information necessary for establishing and processing project financial security for development work in the Town of Derry. The Planning Office and Public Works Office have assembled this document in order to simplify establishing and processing security requests and releases.

The package is divided into separate sections and includes samples of all forms necessary for establishment of project security or escrow.

Overall, these guidelines have been established in order to provide proper direction to the owner/applicant/developer so that the Public Works staff can properly evaluate these requests and process them.

Any questions regarding the content of this workbook should be directed to the Engineering Department of the Public Works Office.

This booklet is intended to provide the information necessary for establishing and processing project financial security for development work in the Town of Berry. The Planning Office and Public Works Office have assembled this document in order to simplify establishing and processing security requests and releases.

The package is divided into separate sections and includes samples of all forms necessary for establishment of project security or escrow.

Overall, these guidelines have been established in order to provide proper direction to the owner/applicant/developer so that the Public Works staff can properly evaluate these requests and process them.

- Sample Letter of Credit
- Project Improvement Guarantee Summary Sheet
- Any questions regarding the content of this workbook should be directed to the Engineering Department of the Public Works Office.
- IKS Form W-9
- Improvement Guarantee Release Form
- Improvement Guarantee Worksheet
- Site Work Costs

Types Of Escrows Allowed

ITEM	TYPE OF SECURITY REQUIRED
As-Built Drawings	Cash or Letter of Credit
Site Development	Cash or Letter of Credit
Work within Public Right of Way	Cash or Letter of Credit
Off-Site Improvements	Cash or Letter of Credit
Special Conditions	Cash or Letter of Credit
Site Restoration	Cash or Letter of Credit

Establishing Construction Escrow

The following steps should be followed to establish project security value:

1. Using the itemized list on the Improvement Guarantee Worksheet, an estimated quantity should be established for all items necessary to construct the project. Information for any items not specifically listed must be provided in a similar format on separate pages.
2. After the quantities have been established, prices from the Town's approved Site Work Costs sheet are entered as unit prices for each item.
3. Based on quantity and unit price, a total project value is established.
4. After calculating the project value, engineering and contingencies (20%), and an escalation factor (8%) must be applied to establish the total project escrow amount.
5. Based on the total escrow amount, the Project Improvements Guarantee Summary Sheet should be drafted. **THIS SUMMARY SHEET SHOULD NOT BE SIGNED AT THIS TIME.**
6. The Developer must complete the IRS Form W-9.
7. Upon completion of all items, the forms listed below should be presented to the Public Works Office for review and processing. Any required adjustments will be discussed directly with the Developer.
 - Project Improvement Guarantee Summary Sheet (Unsigned)
 - IRS Form W-9 (Signed & Completed)
 - Improvement Guarantee Worksheet (Completed)
8. The Public Works Office will provide final copies of the Project Improvement Guarantee Summary Sheet and Improvement Guarantee Worksheet to the Planning Office for final processing.
9. Upon receipt of the final package, the Public Works Office will advise the Developer that the package is complete and ready for final signature. The package will then be presented to the Planning Board.

The draft package (Item 7 above) must be presented to the Public Works Office 10 calendar days prior to the Planning Board meeting at which the request is to be considered.

The intent of the time frame is to allow approximately one week for review and final draft. This also allows a few days for the Planning Office to make appropriate packages for the Planning Board and include it in the Board's agenda.

Request For Escrow Release

The following steps should be followed when requesting an escrow release:

1. Using the Improvement Guarantee Escrow Release Form, the Developer should indicate an estimated value complete for each item being requested for release.
2. The form should also indicate the total value of remaining work.
3. This form should be presented along with a cover letter to the Public Works Engineering Department for consideration.
4. The Escrow Release Form will be reviewed and then forwarded to the Planning Board.

The draft package (Item 4 above) must be presented to the Town's Public Works Office 10 calendar days prior to the Planning Board meeting at which the request is to be considered.

The intent of the time frame is to allow approximately one week for review and final draft. This also allows a few days for the Planning Office to make appropriate packages for the Planning Board and include it in the Board's agenda.

Engineering Inspections

All construction projects secured by escrow are subject to inspections by the Engineering Department of the Public Works Office. The cost for these inspections will be invoiced to the developer of record on a monthly basis. The inspections are billed at a rate of \$42.00 per hour and mileage is charged at a rate of \$0.345 per mile. Any failure to pay for these inspections will result in a hold of any release on the construction escrow. The Engineering Department will, only at the request of the Developer, calculate an *approximate* fee schedule for the engineering inspections.

2. After the final inspection, the developer must submit a final report to the Public Works Office. This report should be presented along with a cover letter to the Public Works Office.
3. The final report should be presented to the Public Works Office for review and approval.

The final report should be presented to the Public Works Office for review and approval. The final report should be presented to the Public Works Office for review and approval.

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The final report should be presented to the Public Works Office for review and approval. The final report should be presented to the Public Works Office for review and approval.

7. Upon completion of all items, the forms listed below must be submitted to the Public Works Office for review and processing. Any questions or concerns will be discussed directly with the Developer.

- Project Improvement Guarantee Summary Sheet (Completed)
- IPS Form W-9 (Signed & Completed)
- Improvement Guarantee Worksheet (Completed)

8. The Public Works Office will provide final copies of the Project Improvement Guarantee Summary Sheet and Improvement Guarantee Worksheet to the Planning Office for final processing.

9. Upon receipt of the final package, the Public Works Office will advise the Developer that the package is complete and ready for final signature. The package will then be presented to the Planning Board.

The final report should be presented to the Public Works Office for review and approval. The final report should be presented to the Public Works Office for review and approval.

The final report should be presented to the Public Works Office for review and approval. The final report should be presented to the Public Works Office for review and approval.

APPENDIX 'C' - DEVELOPMENT PROJECT ESCROW WORKBOOK

Date: _____

Town of Derry - Planning Board
40 Foreway
Derry, New Hampshire 03033

• Sample Letter of Credit

RE: Subdivision/Site Plan
Road Name & Stationing

• IRS Form W-9

• Improvement Guarantee Summary Sheet

• Improvement Guarantee Escrow Release Forms

• Improvement Guarantee Worksheet

• Site Work Costs

By this document, the _____ Bank (hereinafter "Bank") is issuing an irrevocable letter of credit in the amount of \$ _____ to the Town of Derry on behalf of _____ ("Developer"). This irrevocable letter of credit is issued to guarantee completion of all improvements required by the Derry Planning Board and the Town of Derry Land Development Control Ordinance in connection with a _____.

Appendix 'C' - DEVELOPMENT PROJECT ESCROW WORKBOOK

- Sample Letter of Credit
- Project Improvement Guarantee Summary Sheet
- IRS Form W-9
- Improvement Guarantee Escrow Release Forms
- Improvement Guarantee Worksheet
- Site Work Costs

Dated: _____

(Signature of Bank Official)

I have read this letter of credit and agree to its terms.

(Signature of Developer)

ATTACHMENTS

All construction escrow are subject to inspections by the Engineering Department of the Public Works Office. The cost for these inspections will be in the form of a fee. The inspections are billed at a rate of \$42.00 per hour and mileage is charged at a rate of \$0.35 per mile. Any fee in excess of \$100.00 will result in a hold on any release on the construction escrow. The Engineering Department will only at the request of the Developer.

- Sample Letter of Credit
- Project Improvement Guarantee Summary Sheet
- IRS Form W-9
- Improvement Guarantee Escrow Release Forms
- Improvement Guarantee Worksheet
- Site Work Costs

Appendix 'C' - DEVELOPMENT PROJECT ESCROW WORKBOOK

• Sample Letter of Credit

• Project Improvement Guarantee Summary Sheet

• IRS Form W-9

• Improvement Guarantee Escrow Release Forms

• Improvement Guarantee Worksheet

• Site Work Costs

SAMPLE LETTER OF CREDIT

Date _____

Town of Derry - Planning Board
40 Fordway
Derry, New Hampshire 03038

RE: Subdivision/Site Plan
Road Name & Stationing

Irrevocable Letter of Credit # _____ Expiration Date: _____

Dear Town Officials:

By this document, the _____ Bank (hereinafter "Issuer") hereby issues an irrevocable letter of credit in the amount of \$ _____ to the Town of Derry on behalf of _____ (hereinafter "Developer"). This irrevocable letter of credit is issued to guarantee completion of all improvements required by the Derry Planning Board and the Town of Derry Land Development control Regulations in conjunction with a (Subdivision/Site) Plan) _____ entitled _____ dated _____, prepared by _____ and approved by the Derry Planning Board on _____ (date).

It is understood that the improvements guaranteed by this irrevocable letter of credit include, but are not limited to, the following:

It is agreed and understood by the Issuer of this Letter of Credit that it shall be issued for a period of twelve (12) months. If all improvements guaranteed by this letter of credit are not completed _____ by _____ (date) and if a certificate indicating completion of all improvements has not been issued by the Town Building Inspector, then this letter of credit shall be automatically considered to have been called. Without further action of the Town of Derry or its Planning Board, the amount of _____ -Bank shall forthwith forward a check in the _____ to the Treasurer of the Town of Derry. The funds so forwarded _____ to the Town Treasurer shall be used exclusively for the purpose of completing the improvements, which are guaranteed by this letter of credit. Any funds not needed by the Town to complete improvements required by the (Subdivision/Site) Plan referred to above shall be returned to the Bank.

Dated _____

(Signature of Bank Official)

I have read this letter of credit and agree to its terms.

(Signature of Developer)

TOWN OF DERRY
PROJECT IMPROVEMENT GUARANTEE SUMMARY SHEET
CONSTRUCTION ESCROW

Map No. _____ Parcel No. _____ Project Name: _____

STREET NAME	FROM STATION	TO STATION	AMOUNT
-------------	--------------	------------	--------

1. _____

2. _____

TOTAL _____

APPROVED FOR AMOUNT BY: _____

DEVELOPER'S SIGNATURE

DATE

The undersigned agrees to perform the work set forth on the attached worksheet in accordance with the plans and specifications submitted therewith and in accordance with the specifications and the laws and regulations of the Town of Derry, NH all within one year from date.

Prior to final release, all required warranty deeds shall be submitted, and all costs incurred by the Town of Derry, NH, for roadway inspections shall be reimbursed to the Town.

If in the opinion of the Planning Board, all work is not completed within 12 months of the date of this Agreement, the Developer hereby releases to the Town of Derry, NH the amount of the performance guarantee still in effect at that time. This amount will then be used by the Town of Derry, NH to complete the necessary work.

Company Name

Authorized Signature

Address

Date

Tax I.D or S.S #

Telephone

APPROVED BY THE PUBLIC WORKS:

APPROVED BY THE PLANNING BOARD:

Public Works Director

Chairman

Highway Coordinator

Secretary

Request for Taxpayer Identification Number and Certification

Give this form
to the requester. Do
NOT send to IRS.

Please print or type	Name (If joint names, list first and circle the name of the person or entity whose number you enter in Part I below. See Instructions under "Name" if your name has changed.)	
	Address (number and street)	List account number(s) here (optional)
	City, state, and ZIP code	

Part I Taxpayer Identification Number

Enter your taxpayer identification number in the appropriate box. For individuals and sole proprietors, this is your social security number. For other entities, it is your employer identification number. If you do not have a number, see *How To Obtain a TIN*, below.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social security number								
OR								
Employer identification number								

Part II For Payees Exempt From Backup Withholding (See Instructions)

Requester's name and address (optional)

Certification.—Under penalties of perjury, I certify that:

- (1) The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- (2) I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding (does not apply to real estate transactions, mortgage interest paid, the acquisition or abandonment of secured property, contributions to an individual retirement arrangement (IRA), and payments other than interest and dividends).

Certification Instructions.—You must cross out item (2) above if you have been notified by IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return. (Also see Signing the Certification under Specific Instructions, on page 2.)

Please
Sign
Here

Signature ▶

Date ▶

Instructions

(Section references are to the Internal Revenue Code.)

Purpose of Form.—A person who is required to file an information return with IRS must obtain your correct taxpayer identification number (TIN) to report income paid to you, real estate transactions, mortgage interest you paid, the acquisition or abandonment of secured property, or contributions you made to an individual retirement arrangement (IRA). Use Form W-9 to furnish your correct TIN to the requester (the person asking you to furnish your TIN), and, when applicable, (1) to certify that the TIN you are furnishing is correct (or that you are waiting for a number to be issued), (2) to certify that you are not subject to backup withholding, and (3) to claim exemption from backup withholding if you are an exempt payee. Furnishing your correct TIN and making the appropriate certifications will prevent certain payments from being subject to the 20% backup withholding.

Note: If a requester gives you a form other than a W-9 to request your TIN, you must use the requester's form.

How To Obtain a TIN.—If you do not have a TIN, apply for one immediately. To apply, get Form SS-5, Application for a Social Security Number Card (for individuals) from your local office of the Social Security Administration, or Form SS-4, Application for Employer Identification Number (for businesses and all other entities), from your local Internal Revenue Service office.

To complete Form W-9 if you do not have a TIN, write "Applied For" in the space for the TIN in Part I, sign and date the form, and give it to the requester. Generally, you will then have 60 days to obtain a TIN and furnish it to the requester. If the requester does not receive your TIN within 60 days, backup withholding, if applicable, will begin

and continue until you furnish your TIN to the requester. For reportable interest or dividend payments, the payer must exercise one of the following options concerning backup withholding during this 60-day period. Under option (1), a payer must backup withhold on any withdrawals you make from your account after 7 business days after the requester receives this form back from you. Under option (2), the payer must backup withhold on any reportable interest or dividend payments made to your account, regardless of whether you make any withdrawals. The backup withholding under option (2) must begin no later than 7 business days after the requester receives this form back. Under option (2) the payer is required to refund the amounts withheld if your certified TIN is received within the 60-day period and you were not subject to backup withholding during that period.

Note: Writing "Applied For" on the form means that you have already applied for a TIN OR that you intend to apply for one in the near future.

As soon as you receive your TIN, complete another Form W-9, include your TIN, sign and date the form, and give it to the requester.

What Is Backup Withholding?—Persons making certain payments to you are required to withhold and pay to IRS 20% of such payments under certain conditions. This is called "backup withholding." Payments that could be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee compensation, and certain payments from fishing boat operators, but do not include real estate transactions.

If you give the requester your correct TIN, make the appropriate certifications, and report all your taxable interest and dividends on your tax return, your payments will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

(1) You do not furnish your TIN to the requester, or

(2) IRS notifies the requester that you furnished an incorrect TIN, or

(3) You are notified by IRS that you are subject to backup withholding because you failed to report all your interest and dividends on your tax return (for interest and dividend accounts only), or

(4) You fail to certify to the requester that you are not subject to backup withholding under (3) above (for interest and dividend accounts opened after 1983 only), or

(5) You fail to certify your TIN. This applies only to interest, dividend, broker, or barter exchange accounts opened after 1983, or broker accounts considered inactive in 1983.

For other payments, you are subject to backup withholding only if (1) or (2) above applies.

Certain payees and payments are exempt from backup withholding and information reporting. See *Payees and Payments Exempt From Backup Withholding*, below, and *Exempt Payees and Payments under Specific Instructions*, on page 2, if you are an exempt payee.

Payees and Payments Exempt From Backup Withholding.—The following is a list of payees exempt from backup withholding and for which no information reporting is required. For interest and dividends, all listed payees are exempt except item (9). For broker transactions, payees listed in (1) through (13), and a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker are exempt. Payments subject to reporting under sections 6041 and 6041A are generally exempt from backup withholding only if made to payees described in items (1) through (7), except that a corporation that provides medical and health care services or bills and collects payments for such services is not exempt from backup withholding or

Escrow Release Form

Date: _____

Project: _____ Tax Map No.: _____

Location: _____

Present Amount Retained \$ _____

Release

_____ \$ _____

_____ \$ _____

New Work Value Subtotal: \$ _____

Engineering/Contingency (20%): \$ _____

SUBTOTAL: \$ _____

Escalation (8%): \$ _____

Amount to Retain: \$ _____

AMOUNT TO RELEASE: \$ _____

Approved by: _____

Date: _____

Alan G. Swan, P.E., Public Works Director

Date: _____

George Sioras, Director, Community Development

Date: _____

Robert Mackey, Code Enforcement

Date: _____

Planning Board Chairperson

Date: _____

Planning Board Secretary

TOWN OF DERRY**IMPROVEMENT GUARANTEE****ESCROW RELEASE**

Project Name:

Tax Map Ref:

Location:

Developer:

Item	Original						Present	
	Escrow Value	Release #1	Release #2	Release #3	Release #4	Release #5	Release #6	Remaining Value
EARTHWORK								
CLEAR & GRUB								
COMMON EXCAVATION								
LEDGE EXCAVATION								
TRENCH LEDGE								
COMMON BORROW								
BANK RUN GRAVEL								
CRUSHED GRAVEL								
SITE RESTORATION								
EROSION CONTROL								
PAVEMENT								
2 1/2" BINDER COURSE								
1 1/2" WEARING SURFACE								
6" UNDERDRAIN								
CURBING								
CAPE COD BITUMINOUS								
GRANITE								
PLANTINGS								
LOAM & SEED (6" LOAM)								
LANDSCAPING								
STORM DRAINS								
12" HDPE								
12" RCP								
15" HDPE								
15" RCP								
18" HDPE								
18" RCP								
24" HDPE								
24" RCP								

TOWN OF DERRY**IMPROVEMENT GUARANTEE****ESCROW RELEASE**

Project Name:

Tax Map Ref:

Developer:

Location:

Item	Original Escrow Value	Release #1	Release #2	Release #3	Release #4	Release #5	Release #6	Present Remaining Value
30" HDPE								
30" RCP								
36" HDPE								
36" RCP								
RIP-RAP								
CATCH BASINS								
DRAIN MANHOLES								
HEADWALLS (up to 36" pipe)								
END SECTIONS								
12" RCP								
15" RCP								
18" RCP								
24" RCP								
30" RCP								
36" RCP								
SURVEY MARKERS								
MONUMENTS								
PINS								
WATER								
6" DIP								
8" DIP								
10" DIP								
12" DIP								
HYDRANTS								
VALVES								
6"								
8"								
10"								
12"								

TOWN OF DERRY
DEPARTMENT OF PUBLIC WORKS
IMPROVEMENT GUARANTEE WORKSHEET

Map No:

Parcel No:

Developer:

I hereby certify that, in addition to any work already completed, the following itemized statement and estimated unit costs will complete all improvements required by the Town of Derry Land Development Control Regulations for the following project:

Project Name:

Location:

Applicant:

Item	Quantity	Unit Price	Price
EARTHWORK			
Clear & Grub	AC	\$ AC	\$
Common Excavation	CY	\$ CY	\$
Ledge Excavation	CY	\$ CY	\$
Trench Ledge	CY	\$ CY	\$
Common Borrow	CY	\$ CY	\$
Bank Run Gravel	CY	\$ CY	\$
Crushed Gravel	CY	\$ CY	\$
Site Restoration	AC	\$ AC	\$
Erosion Control	LS	\$	\$
PAVEMENT			
2 1/2" Binder Course	SY	\$ SY	\$
1 1/2" Wearing Course	SY	\$ SY	\$
6" Underdrain	LF	\$ LF	\$
CURBING			
Cape Cod Bituminous	LF	\$ LF	\$
Granite	LF	\$ LF	\$
PLANTINGS			
Loam & Seed (6" loam)	SY	\$ SY	\$
Landscaping	Detailed Estimate Required		
SURVEY MARKERS			
Monuments	EA	\$ EA	\$
Pins	EA	\$ EA	\$

TOWN OF DERRY
DEPARTMENT OF PUBLIC WORKS
IMPROVEMENT GUARANTEE WORKSHEET

Item		Quantity	Unit Price	Price
STORM DRAINS				
SIZE	TYPE			
12"	HDPE	LF	\$ LF	\$
12"	RCP	LF	\$ LF	\$
15"	HDPE	LF	\$ LF	\$
15"	RCP	LF	\$ LF	\$
18"	HDPE	LF	\$ LF	\$
18"	RCP	LF	\$ LF	\$
24"	HDPE	LF	\$ LF	\$
24"	RCP	LF	\$ LF	\$
30"	HDPE	LF	\$ LF	\$
30"	RCP	LF	\$ LF	\$
36"	HDPE	LF	\$ LF	\$
36"	RCP	LF	\$ LF	\$
Rip-rap		CY	\$ CY	\$
Catch Basins		EA	\$ EA	\$
Drain Manholes		VF	\$ VF	\$
Headwalls (up to 36" pipe)		EA	\$ EA	\$
END SECTIONS				
12"	RCP	EA	\$ EA	\$
15"	RCP	EA	\$ EA	\$
18"	RCP	EA	\$ EA	\$
24"	RCP	EA	\$ EA	\$
30"	RCP	EA	\$ EA	\$
36"	RCP	EA	\$ EA	\$
WATER MAINS				
6"	DIP	LF	\$ LF	\$
8"	DIP	LF	\$ LF	\$
10"	DIP	LF	\$ LF	\$
12"	DIP	LF	\$ LF	\$

TOWN OF DERRY
DEPARTMENT OF PUBLIC WORKS
IMPROVEMENT GUARANTEE WORKSHEET

Item	Quantity	Unit Price	Price
HYDRANTS	EA	\$ EA	\$
VALVES			
6"	EA	\$ EA	\$
8"	EA	\$ EA	\$
10"	EA	\$ EA	\$
12"	EA	\$ EA	\$
SEWER MAINS			
6" PVC	LF	\$ LF	\$
8" PVC	LF	\$ LF	\$
10" PVC	LF	\$ LF	\$
12" PVC	LF	\$ LF	\$
SEWER MANHOLES			
4' Diameter	VF	\$ VF	\$
5' Diameter	VF	\$ VF	\$
6' Diameter	VF	\$ VF	\$
Guardrail (Metal)	LF	\$ LF	\$
MISCELLANEOUS (Attach additional breakdown sheet if necessary)			
		\$	\$
SUBTOTAL (1) :			\$
Engineering & Contingency (20% of Subtotal) :			\$
SUBTOTAL (2) :			\$
Adjustment for Escalation to Expiration (8% of Subtotal) :			\$
TOTAL ESCROW AMOUNT :			\$

TOWN OF DERRY
DEPARTMENT OF PUBLIC WORKS
SITE WORK COSTS

ITEM		UNIT	UNIT PRICE
EARTHWORK			
Clear & Grub		ACRE	\$4,300.00
Common Excavation		CY	\$3.40
Ledge Excavation		CY	\$25.00
Trench Ledge		CY	\$60.00
Common Borrow		CY	\$5.40
Bank Run Gravel		CY	\$10.00
Crushed Gravel		CY	\$14.00
Site Restoration		ACRE	\$16,400.00
Erosion Control		LS	
PAVEMENT			
2 1/2" Binder Course		SY	\$4.60
1 1/2" Wearing Course		SY	\$3.15
6" Underdrain		LF	\$11.00
CURBING			
Cape Cod Bituminous		LF	\$2.25
Granite		LF	\$16.00
PLANTINGS			
Loam & Seed (6" loam)		SY	\$2.50
Landscaping		Detailed Estimate Required	
SURVEY MARKERS			
Monuments		EA	\$150.00
Pins		EA	\$100.00
STORM DRAINS			
12"	HDPE	LF	\$25.00
12"	RCP	LF	\$25.00
15"	HDPE	LF	\$29.00
15"	RCP	LF	\$29.00
18"	HDPE	LF	\$34.00
18"	RCP	LF	\$34.00
24"	HDPE	LF	\$43.00
24"	RCP	LF	\$43.00
30"	HDPE	LF	\$60.00
30"	RCP	LF	\$60.00
36"	HDPE	LF	\$75.00
36"	RCP	LF	\$75.00

TOWN OF DERRY
DEPARTMENT OF PUBLIC WORKS
SITE WORK COSTS

ITEM		UNIT	UNIT PRICE
STORM DRAINS			
Rip-rap		CY	\$29.00
Catch Basins		EA	\$1,200.00
Drain Manholes		VF	\$225.00
Headwalls (up to 36" pipe)		EA	\$1,500.00
END SECTIONS			
12"	RCP	EA	\$300.00
15"	RCP	EA	\$300.00
18"	RCP	EA	\$350.00
24"	RCP	EA	\$500.00
30"	RCP	EA	\$600.00
36"	RCP	EA	\$700.00
WATER MAINS			
6"	DIP	LF	\$30.00
8"	DIP	LF	\$35.00
10"	DIP	LF	\$40.00
12"	DIP	LF	\$45.00
HYDRANTS		EA	\$2,500.00
VALVES			
6"		EA	\$500.00
8"		EA	\$750.00
10"		EA	\$1,075.00
12"		EA	\$1,300.00
SEWER MAINS			
6"	PVC	LF	\$30.00
8"	PVC	LF	\$35.00
10"	PVC	LF	\$40.00
12"	PVC	LF	\$45.00
SEWER MANHOLE			
4' Diameter		VF	\$250.00
5' Diameter		VF	\$300.00
6' Diameter		VF	\$375.00
SAFETY			
Guardrail (Metal)		LF	\$15.00

4004-0171-0010

DERRY COLL. 352.95 tow 2001
Town of Derry, New Hampshire land
development control regulations.

For Reference

Not to be taken

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TOWN OF DERRY
DEPARTMENT OF PUBLIC WORKS
SITE WORK COSTS

ITEM		UNIT	UNIT PRICE
STORM DRAINS			
Rip-rap		CY	\$29.00
Catch Basins		EA	\$1,200.00
Drain Manholes		VF	\$225.00
Headwalls (up to 36" pipe)		EA	\$1,500.00
END SECTIONS			
12"	RCP	EA	\$300.00
15"	RCP	EA	\$300.00
18"	RCP	EA	\$350.00
24"	RCP	EA	\$500.00
30"	RCP	EA	\$600.00
36"	RCP	EA	1700.00
WATER MAINS			
6"	DIP	LF	\$30.00
8"	DIP	LF	\$35.00
10"	DIP	LF	\$40.00
12"	DIP	LF	\$45.00
HYDRANTS		EA	\$2,500.00
VALVES			
6"		EA	\$500.00
8"		EA	\$750.00
10"		EA	\$1,075.00
12"		EA	\$1,300.00
SEWER MAINS			
6"	PVC	LF	\$30.00
8"	PVC	LF	\$35.00
10"	PVC	LF	\$40.00
12"	PVC	LF	\$45.00
SEWER MANHOLE			
4' Diameter		VF	\$250.00
5' Diameter		VF	\$300.00
6' Diameter		VF	\$375.00
SAFETY			
Guardrail (Metal)		LF	\$15.00

Derry Public Library



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Town of Derry, New Hampshire land
development control regulations.

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